



LOCAL GOVERNMENT COUNCIL

ACTION PACKET

Wednesday, January 29, 2006

1:00 P.M.

404 House Office Building

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ken Sorensen (Chair)	X		
Thomas Anderson	X		
Mike Davis	X		
Terry Fields	X		
D. Alan Hays	X		
Matthew Meadows	X		
Julio Robaina	X		
Yolly Roberson	X		
Totals:	8	0	0

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HJR 39 CS : Limitations on Assessments of Real Property

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson		X			
Mike Davis	X				
Terry Fields	X				
D. Alan Hays		X			
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 6		Total Nays: 2			

Appearances:

Ken Morris (Lobbyist) - Opponent
Leon County
Phone: 850-606-5300

Bob McKee (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 293 : Fiscally Constrained Counties

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Lilly Rooks - Proponent
Levy County Commission
6530 SWSR 24
Cedar Key FL 32625
Phone: 352-543-5191

W. T. Maddox - Proponent
Hendry County
203 N. Riverview Street
LaBelle FL 33935
Phone: 863-675-2281

Jim Crawford - Proponent
Bradford County
P. O. Drawer B
Starke FL 32091
Phone: 904-966-6339

Edward Dixon - Proponent
Gadsden County
P. O. Box 1799
Quincy FL 32351
Phone: 850-875-8650

John Cooper - Proponent
Bradford County
100 N Call Street
Starke FL 32091
Phone: 904-964-4701

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

Bob McKee (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL
Phone: 850-922-4300

John Culbreath - Proponent
Jefferson County
692 Westerlea PL
Monticello FL 32344
Phone: 850-997-5203

David Ward - Proponent
Jefferson County
P. O. Box 616
Monticello FL 32345
Phone: 850-997-1528

Ed Vollertsen - Proponent
Jefferson County
320 Dills Road
Monticello FL 32344
Phone: 850-997-6914

Julie Conley - Proponent
Jefferson County Economic Development Council
1475 S Jefferson Street
Monticello FL 32344
Phone: 850-997-6559

Wendy Bitner (Lobbyist) - Proponent
Jefferson County
1168 Boston Highway
Monticello FL 32344
Phone: 850-997-0499

Chris Doolin (Lobbyist) - Proponent
Small County Coalition
1118-B Thomasville Road
Tallahassee FL 32302
Phone: 850-224-3180

Richard Bailar - Proponent
Jefferson County Legislative Committee
1023 Main Avenue
Tallahassee FL 32345
Phone: 850-997-0676

Buddy Lamb - Proponent
Dixie County
11938 349 Highway
Old Town FL
Phone: 352-542-9353

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 323 CS : Reemployment After Retirement

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson				X	
Mike Davis	X				
Terry Fields	X				
D. Alan Hays		X			
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)		X			
Total Yeas: 4 Total Nays: 2					

Appearances:

David Murrell (Lobbyist) - Proponent
Florida Police Benevolent Association, Inc.
300 E Brevard Street
Tallahassee FL 32301
Phone: 850-222-3329

Frank Messersmith - Proponent
Florida Sheriffs Association
2755 Lake Bradford Road
Tallahassee FL 32310
Phone: 850-576-5858

Ron McNesby - Information Only
Florida Sheriffs Association
P. O. Box 18770
Pensacola FL 32523
Phone: 850-436-9512

Peter C. Bucher - Opponent
FSA
125 SW Range Avenue
Madison FL 32340
Phone: 850-973-4151

Ben F. Johnson - Opponent
Florida Sheriffs Association
P. O. Box 569
Deland FL 32721
Phone: 386-736-5961

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 381 : Firefighter Pensions

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Joe Benavides (Lobbyist) - Information Only
Broward County Council of Fire Fighters
4315 Garfield Street
Hollywood FL 33021
Phone: 954-931-9881

Randy Touchton (Lobbyist) - Proponent
Florida Professional Firefighters Association
345 W Madison Street
Tallahassee FL
Phone: 850-224-7333

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 423 CS : Professional Regulation by the Department of Business and Professional Regulation

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Deborah Lawson (Lobbyist) - Proponent
Consumer Advocate Volunteer
4125 Pecan Branch
Tallahassee FL 32309
Phone: 850-878-1606

Kevin Trim - Opponent
2104 Delta Way
Tallahassee FL 32303
Phone: 850-514-2194

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 613 CS : Police Pursuits of Fleeing Vehicles

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Frank Messersmith (Lobbyist) - Information Only
Florida Sheriffs Association
2755 Lake Bradford Road
Tallahassee FL 32310

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 737 CS : Tax Benefits Related to Catastrophic Emergencies

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 749 CS : Sewage Treatment and Disposal Systems

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8 Total Nays: 0					

Appearances:

Bill Carson - Proponent
Florida Onsite Wastewater
P. O. Box 950368
Lake Mary FL 32746
Phone: 407-474-5401

Diana Grawitch (Lobbyist) - Information Only
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301

Alexander Diaz (Lobbyist) - Information Only
111 NW 1st Street
Miami FL 33128
Phone: 786-236-4211

Bill Barrett (Lobbyist) - Opponent
City of Palm Bay and City of St. Cloud
P. O. Box 60877
Palm Bay FL 32906
Phone: 321-403-6410

Rebecca O'Hara (Lobbyist) - Information Only
Florida League of Cities
P. O. Box 1757
Tallahassee FL 32302
Phone: 850-222-9684

Steve Metz (Lobbyist) - Proponent
Florida Onsite Wastewater
7625 Skipper Lane
Tallahassee FL
Phone: 850-209-9000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

CS Bill No. **HB 749 w/CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Local Government Council
2 Representative Bowen offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsection (5) is added to section 153.54, Florida
7 Statutes, to read:

8 153.54 Preliminary report by county commissioners with
9 respect to creation of proposed district.—Upon receipt of a
10 petition duly signed by not less than 25 qualified electors who
11 are also freeholders residing within an area proposed to be
12 incorporated into a water and sewer district pursuant to this
13 law and describing in general terms the proposed boundaries of
14 such proposed district, the board of county commissioners if it
15 shall deem it necessary and advisable to create and establish
16 such proposed district for the purpose of constructing,
17 establishing or acquiring a water system or a sewer system or
18 both in and for such district (herein called "improvements"),
19 shall first cause a preliminary report to be made which such
20 report together with any relevant or pertinent matters, shall
21 include at least the following:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (5) For the construction of a new proposed sewerage system
23 or the extension of an existing sewerage system which was not
24 previously approved the report shall include a study that:
25 includes the available information from the Department of Health
26 on the history of onsite sewage treatment and disposal systems
27 currently in use in the area; a comparison of the projected
28 costs to the owner of a typical lot or parcel of connecting to
29 and using the proposed sewerage system versus installing,
30 operating and properly maintaining an onsite sewage treatment
31 system, approved by the Department of Health that provides for
32 the comparable level of environmental and health protection as
33 the proposed central sewerage system and other factors deemed
34 relevant by the local authority.

35
36 Such report shall be filed in the office of the clerk of the
37 circuit court and shall be open for the inspection of any
38 taxpayer, property owner, qualified elector or any other
39 interested or affected person.

40 Section 2. Paragraph (c) is added to subsection (2) of
41 section 153.73, Florida Statutes, to read:

42 153.73 Assessable improvements; levy and payment of
43 special assessments.- - Any district may provide for the
44 construction or reconstruction of assessable improvements as
45 defined in s. 153.52, and for the levying of special assessments
46 upon benefited property for the payment thereof, under the
47 provisions of this section.

48 (2)

49 (c) For the construction of a new proposed sewerage system
50 or the extension of an existing sewerage system which was not
51 previously approved the report shall include a study that:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 includes the available information from the Department of Health
53 on the history of onsite sewage treatment and disposal systems
54 currently in use in the area; a comparison of the projected
55 costs to the owner of a typical lot or parcel of connecting to
56 and using the proposed sewerage system versus installing,
57 operating and properly maintaining an onsite sewage treatment
58 system, approved by the Department of Health that provides for
59 the comparable level of environmental and health protection as
60 the proposed central sewerage system and other factors deemed
61 relevant by the local authority.

62 Section 3. Paragraph (a) of subsection (2) of section
63 163.3180, Florida Statutes, is amended to read:

64 163.3180 Concurrency. - -

65 (2)(a) Consistent with public health and safety, sanitary
66 sewer, solid waste, drainage, adequate water supplies, and
67 potable water facilities shall be in place and available to
68 serve new development no later than the issuance by the local
69 government of a certificate of occupancy or its functional
70 equivalent. Prior to approval of a building permit or its
71 functional equivalent, the local government shall consult with
72 the applicable water supplier to determine whether adequate
73 water supplies to serve the new development will be available no
74 later than the anticipated date of issuance by the local
75 government of a certificate of occupancy or its functional
76 equivalent. A local government may meet the concurrency
77 requirement for sanitary sewer through the use of onsite sewage
78 treatment and disposal systems approved by the Department of
79 Health to serve new development.

80 Section 4. Subsection (3) is added to section 180.03,
81 Florida Statutes, to read:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

180.03 Resolution or ordinance proposing construction or extension of utility; objections to same.--

(3) For the construction of a new proposed sewerage system or the extension of an existing sewerage system which was not previously approved the report shall include a study that: includes the available information from the Department of Health on the history of onsite sewage treatment and disposal systems currently in use in the area; a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating and properly maintaining an onsite sewage treatment system, approved by the Department of Health that provides for the comparable level of environmental and health protection as the proposed central sewerage system and other factors deemed relevant by the local authority. The results of such a study shall be included in the resolution or ordinance required in subsection (1).

Section 5. Paragraph (c) is added to subsection (2) of section 381.00655, Florida Statutes, to read:

381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.--

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(c) A local government may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government to issue a variance under any circumstance. A local government located within an area of

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

critical state concern or located in an area that was designated
as an area of critical state concern for at least 20 consecutive
years prior to removal of the designation shall not be required
to issue a variance under any circumstance, and nothing in this
paragraph shall be construed as limiting local government
authority to enact ordinances under section 4 of ch. 99-395,
Laws of Florida.

===== T I T L E A M E N D M E N T =====

Remove lines 23 and 24 and insert:
authorizing local governments to grant variances from connecting
to a publicly owned or investor-

000000

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 949 : Municipalities

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays		X			
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)		X			
Total Yeas: 6		Total Nays: 2			

Appearances:

Teresa Jacobs - Opponent
Orange County
201 S Rosalind Avenue
Orlando FL

Lee Pinkoson - Opponent
Alachua County
2820 N W 38th
Gainesville FL 32605
Phone: 352-375-7960

Joe Eggelletion - Opponent
Broward County
115 S Andrews Avenue
Ft. Lauderdale FL 33021
Phone: 954-357-7009

Jeff Koons - Opponent
Palm Beach County
301 N Olice Avenue
West Palm Beach FL 33401

David Mills - Opponent
Sarasota County
1660 Ringling Boulevard
Sarasota FL 34236
Phone: 941-861-5344

Susan Churuti - Opponent
Pinellas County
315 Court Street
Clearwater FL 33756
Phone: 727-464-3354

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

Bob Cole - Proponent
Santa Rosa County
8651 Riverstone Road
Milton FL 32583
Phone: 850-623-0006

John Morroni - Opponent
Pinellas County
315 Court Street
Clearwater FL 33756
Phone: 727-464-3568

Jane Von Hahmann - Opponent
Manatee County
1112 Manatee Avenue W
Bradenton FL 34205
Phone: 941-745-3705

Ken Morris (Lobbyist) - Opponent
Leon County
301 S Monroe Street
Tallahassee FL 32301
Phone: 850-606-5300

Ilene Lieberman - Opponent
Broward County
115 S Andrews Avenue
Ft. Lauderdale FL 33301
Phone: 954-357-7001

Jerry Sansom (Lobbyist) - Proponent
Cities of Rockledge, Cocoa and Melbourne
P. O. Box 98
Cocoa FL 32923
Phone: 321-777-8130

Lou Ann Palmar - Proponent
City of Sarasota, Florida League of Cities
1565 1st Street
Sarasota FL 34236
Phone: 941-954-4115

Jordan Connors (Lobbyist) - Proponent
City of Lake Worth
777 S Flagler Drive
West Palm Beach FL 33401
Phone: 561-805-7810

Rodney Long - Opponent
Alachua County
P. O. Box 2877
Gainesville FL 32602
Phone: 352-264-6900

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

Wayne Poston - Proponent
City of Bradenton
101 Old Main Street
Bradenton FL 34205

Steven Abrams - Proponent
Florida League of Cities
201 W Palmetto Park Road
Boca Raton FL 33486
Phone: 561-393-7708

Julio Robaina - Proponent
Florida League of Cities
501 Palm Avenue
Hialeah FL 33010
Phone: 305-883-5800

Larry Bustle - Proponent
City of Palmetto
516 8th Avenue N
Palmetto FL 34220
Phone: 941-723-4570

Palmer Mason (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

James Freeman - Proponent
City of Palmetto
516 8th Avenue
Palmetto FL 34221
Phone: 941-723-4570

Michele Hall - Proponent
City of Palmetto
516 8th Avenue
Palmetto FL 34221
Phone: 941-723-4570

Rebecca O'Hara - Proponent
Florida League of Cities
P. O. Box 1757
Tallahassee FL 32302
Phone: 850-222-9684

Michael DiTerlizzi - Opponent
2401 SE Monteray Road
Stuart FL
Phone: 727-221-1357

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 993 : City of Southport, Bay County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows			X		
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 993

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

Council/Committee hearing bill: Local Government Council
Representative Coley offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. Charter; creation.--This act shall be known and may
be cited as the "City of Southport Charter" ("charter"), and the
City of Southport ("city") is hereby created and established.

Section 2. Legislative intent.--The Legislature hereby
finds and declares that:

(1) The Southport area of Bay County includes a compact
and contiguous urban community amenable to separate municipal
government.

(2) It is in the best interests of the public health,
safety, and welfare of the citizens of this community to form a
separate municipality for the Southport area with all powers and
authority necessary to provide efficient and adequate municipal
services to its residents.

Section 3. Powers.--

(1) CREATION.--The city shall have a commission-manager
form of government.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (2) MUNICIPAL POWERS.--The city shall be a body corporate
24 and politic and shall have all the powers of a municipality
25 under the State Constitution and laws of the state, as fully and
26 completely as though such powers were specifically enumerated in
27 this charter, unless otherwise prohibited by or contrary to the
28 provisions of this charter. The city shall have all
29 governmental, corporate, and proprietary powers necessary to
30 enable it to conduct municipal government, perform municipal
31 functions, and render municipal services and may exercise any
32 power for municipal purposes unless expressly prohibited by law.
33 The powers of this city shall be liberally construed in favor of
34 this city.

35 Section 4. Corporate limits.--The following areas shall
36 constitute the corporate limits of the City of Southport:

37
38 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SECTION
39 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST, BAY COUNTY,
40 FLORIDA WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD
41 NO. 77. THENCE EAST ALONG THE NORTH LINE OF SECTIONS
42 17, 16, AND 15 TO THE NORTHEAST CORNER OF SECTION 15,
43 TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG
44 THE WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE
45 14 WEST TO THE NORTHWEST CORNER OF SAID SECTION 11.
46 THENCE EAST ALONG THE NORTH LINE OF SECTIONS 11 AND
47 12, TOWNSHIP 2 SOUTH, RANGE 14 WEST AND THE NORTH LINE
48 OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 WEST TO THE
49 CENTER OF CEDAR CREEK. THENCE SOUTHERLY ALONG THE
50 CENTER OF CEDAR CREEK AND DEER POINT LAKE TO THE
51 MIDPOINT OF DEER POINT LAKE DAM, THENCE SOUTHWESTERLY
52 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
53 PROJECTION OF THE EAST LINE OF SECTION 4, TOWNSHIP 3

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG SAID EAST
55 LINE TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 2
56 SOUTH, RANGE 14 WEST, THENCE WEST ALONG THE SOUTH LINE
57 OF SAID SECTION 33 TO THE SOUTHERLY PROJECTION OF A
58 LINE PARALLEL WITH AND 202.50 FEET EAST OF THE WEST
59 LINE OF LOT 97, ST. ANDREWS BAY PECAN & FIG GROVES
60 COMPANY'S SUBDIVISION, THENCE NORTH PARALLEL WITH SAID
61 WEST LINE OF LOT 97 TO A LINE PARALLEL WITH AND 175
62 FEET SOUTH OF THE NORTH LINE OF SAID LOT 97, THENCE
63 EAST PARALLEL WITH SAID NORTH LINE OF LOT 97 FOR 455
64 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 97,
65 THENCE NORTH 175 FEET TO THE NORTHEAST CORNER OF SAID
66 LOT 97, THENCE WEST 647.5 FEET, MORE OR LESS, TO THE
67 NORTHEAST CORNER OF LOT 98, SAID SUBDIVISION, THENCE
68 WEST ALONG THE NORTH LINE OF SAID LOT 98 AND THE
69 WESTERLY PROJECTION THEREOF TO THE NORTHEAST CORNER OF
70 LOT 99, SAID SUBDIVISION, THENCE NORTH ALONG THE EAST
71 LINE OF LOT 94, SAID SUBDIVISION TO THE NORTHEAST
72 CORNER OF SAID LOT 94, THENCE WEST ALONG THE NORTH
73 LINE OF SAID LOT 94 TO THE EAST LINE OF THE "LANGLEY"
74 TRACT, SAID PLAT OF ST. ANDREWS BAY PECAN & FIG GROVES
75 COMPANY'S SUBDIVISION, THENCE NORTH ALONG THE EAST
76 LINE OF THE "LANGLEY" TRACT FOR 3.8 FEET TO THE NORTH
77 LINE OF THE 15 FOOT STRIP DESCRIBED IN OFFICIAL
78 RECORDS BOOK 1104, PAGE 666 OF THE PUBLIC RECORDS OF
79 BAY COUNTY, FLORIDA, THENCE WEST FOR 15 FEET, THENCE
80 SOUTH FOR 90 FEET, THENCE WEST ALONG THE NORTH LINE OF
81 THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1104,
82 PAGE 666 TO THE EDGE OF NORTH BAY, THENCE
83 SOUTHWESTERLY ALONG THE RIPARIAN RIGHTS LINE OF SAID
84 PARCEL TO THE CENTER OF NORTH BAY, THENCE WESTERLY

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

85 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
86 PROJECTION OF THE WEST LINE OF THE EAST HALF OF THE
87 EAST HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 14
88 WEST, THENCE NORTH ALONG SAID WEST LINE OF THE EAST
89 HALF OF THE EAST HALF OF SAID SECTION 31 AND THE
90 SOUTHERLY PROJECTION THEREOF TO THE NORTH LINE OF SAID
91 SECTION 31, THENCE NORTH ALONG THE WEST LINE OF THE
92 EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30,
93 TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE NORTHWEST
94 CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER,
95 THENCE EAST ALONG THE NORTH LINE OF SAID EAST HALF OF
96 THE SOUTHEAST QUARTER TO THE WEST LINE OF SECTION 29,
97 TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE SOUTH ALONG
98 SAID WEST LINE OF SECTION 29 TO THE NORTHWEST CORNER
99 OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID
100 SECTION 29, THENCE EAST ALONG THE NORTH LINE OF SAID
101 SOUTH HALF OF THE SOUTHWEST QUARTER TO THE NORTHEAST
102 CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER,
103 THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF
104 SAID SECTION 29 TO THE NORTHWEST CORNER OF THE
105 NORTHEAST QUARTER OF SAID SECTION 29, THENCE EAST
106 ALONG THE NORTH LINE OF SAID SECTION 29 TO THE
107 NORTHEAST CORNER OF SAID SECTION 29, THENCE NORTH
108 ALONG THE WEST LINE OF SECTION 21, TOWNSHIP 2 SOUTH,
109 RANGE 14 WEST TO THE NORTHWEST CORNER OF THE SOUTH
110 HALF OF THE SOUTH HALF OF SAID SECTION 21, THENCE EAST
111 ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH
112 HALF TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE
113 OF STATE ROAD NO. 77 WITH THE NORTH LINE OF SAID SOUTH
114 HALF OF THE SOUTH HALF OF SECTION 21, THENCE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE TO THE
POINT OF BEGINNING.

Section 5. City commission.--

(1) COMPOSITION; QUALIFICATIONS FOR OFFICE.--

(a) Composition.--There shall be a five-member city
commission, consisting of a mayor and four commissioners, all
elected from the Southport area at large. For purposes of proper
interpretation of this charter, unless the context otherwise
requires, the term "commissioner" shall include the mayor.

(b) Qualifications for office.--

1. Each candidate for the office of city commissioner
shall be a qualified elector of this city.

2. At the time of qualification, each candidate for a seat
on the commission shall reside within the boundaries of the city
of Southport and shall remain a resident of the city for the
length of his or her term.

3. For the initial election of commissioners and mayor and
for each election thereafter, each individual seeking to qualify
as a candidate for a seat on the commission shall submit a
petition or application supporting his or her candidacy to the
city manager (or, for the initial election, to the Supervisor of
Elections of Bay County) containing the signatures of 1 percent
of the electors residing within the boundaries of the City of
Southport at large or payment of the required fee according to
the Florida Election Code and declaring which seat he or she is
endeavoring to obtain.

(2) TERMS OF OFFICE.--The term of office for each
commissioner shall be 4 years. In order to provide for
staggering of terms, the initial terms of office for seats one
and three and the mayor's seat shall be for 2 years each.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

146 (3) POWERS AND DUTIES OF COMMISSION.--Except as otherwise
147 prescribed herein or provided by law, all legislative powers of
148 the city shall be vested in the commission.

149 (4) MAYOR.--

150 (a) Powers.--There shall be a mayor who shall be elected
151 at large and who shall have the same legislative powers and
152 duties as any of the other commissioners, except as herein
153 provided.

154 (b) Duties.--The mayor shall preside at the meetings of
155 the commission, be recognized as the head of city government for
156 ceremonial matters, and sign and execute ordinances, contracts,
157 deeds, bonds, and other instruments and documents. The mayor
158 shall have no administrative duties other than those necessary
159 to accomplish these actions, or such other actions as may be
160 authorized by city commission, consistent with general or
161 special law.

162 (5) VICE MAYOR.--

163 (a) Election.--There shall be a vice mayor elected
164 annually by the commission from among the commissioners. Such
165 election shall take place at the first meeting after each
166 regular city general election.

167 (b) Powers and duties.--The vice mayor shall have the same
168 legislative powers and duties as any other commissioner, except
169 that he or she shall serve as acting mayor during the absence or
170 disability of the mayor and, during such period, shall have the
171 same duties as provided for in paragraph (4)(b). In the absence
172 of the mayor and vice mayor, the remaining commissioners shall
173 elect a commissioner to serve as acting mayor.

174 (6) COMPENSATION AND EXPENSES.--

175 (a) Compensation.--The mayor and commissioners shall serve
176 without compensation for the first 3 months in office. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

commission may determine an annual salary for commissioners or the mayor, but no ordinance providing for such salaries shall become effective until the date of commencement of the terms of the commissioners elected at the next regular election, except for any annual salary provided for after the initial election. Any salary provided for during the initial term will become effective 91 days after the commissioners take office unless a later date is established.

(b) Expenses.--The commission may provide for reimbursement of actual expenses incurred by members while performing their official duties.

(7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.--

(a) Vacancies.--A vacancy in the office of a commissioner shall occur upon the incumbent's death, removal from office as authorized by law, resignation, appointment to other public office which creates dual officeholding, judicially determined incompetence, or forfeiture of office as herein described.

(b) Forfeiture of office.--A commissioner shall forfeit his or her office if he or she:

1. Is determined by the commission, acting as a body, to lack at any time or fail to maintain during his or her term of office any qualification for the office as prescribed by this charter or otherwise required by law;

2. Is convicted of a felony or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;

3. Is found by the commission, acting as a body, to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

by the Governor, unless subsequently reinstated as provided by law; or

4. Is absent from three consecutive regular commission meetings without being excused by the commission.

(c) Filling of vacancies.--

1. If a vacancy occurs in the office of mayor, the vice mayor shall serve as mayor until a new mayor is elected at the next regularly scheduled city election and assumes the duties of his or her office. The commission shall fill the commissioner's seat temporarily vacated by the vice mayor by appointment as herein provided.

2. If a vacancy occurs in the office of any commissioner other than mayor and the remainder of the unexpired term is less than 2 years, the remaining commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If the remainder of the unexpired term exceeds 2 years, the remaining commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled city election.

3. Any person appointed to fill a vacancy on the commission is required to meet the qualifications of the seat to which he or she is appointed, except the petition requirement.

(d) Extraordinary vacancies.--In the event that all members of the council are removed by death, disability, law, or forfeiture of office, the Governor shall appoint an interim commission that shall call a special election to be held 60 to 90 days after the interim commission's appointment. Such election shall be held in the same manner as the initial election under this charter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

38 Section 6. City commission meetings.--The commission shall
239 meet regularly at least once a month at such times and places as
240 the commission may prescribe. Such meetings shall be public
241 meetings and shall be subject to notice and other requirements
242 of law applicable to public meetings.

243 (1) The first meeting following a general city election at
244 which elected or reelected commissioners are inducted into
245 office shall be held on the first Monday following such
246 election.

247 (2) A majority of the commission shall constitute a
248 quorum. No action of the commission shall be valid unless
249 adopted by an affirmative vote of a majority of the
250 commissioners in attendance, unless otherwise provided by law or
251 stated herein. All actions of the city commission shall be by
252 ordinance, resolution, or motion.

53 (3) Special meetings may be held at the call of the mayor
254 or, in his or her absence, the vice mayor. Special meetings may
255 also be called upon the request of a majority of the
256 commissioners. The city manager shall provide no less than 12
257 hours' notice of the meeting to the public, when practical.

258 Section 7. Designated charter officers.--

259 (1) DESIGNATED CHARTER OFFICERS.--The initial designated
260 charter officer shall be the city manager. Other charter
261 officers may be appointed by majority vote of the commission.

262 (a) Appointment.--The charter officers shall be appointed
263 by a majority vote of the full commission and shall serve at the
264 pleasure of the commission.

265 (b) Removal.--The charter officers shall be removed from
266 office by a majority vote of the full commission. If the vote is
267 not unanimous, the charter officer may, within 7 days after the
68 dismissal motion by the commission, submit to the mayor a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

269 written request for reconsideration. Any action taken by the
270 commission at the reconsideration hearing shall be final.

271 (c) Compensation.--The compensation of the charter
272 officers shall be fixed by the city commission.

273 (d) Filling of vacancies.--The city commission shall begin
274 the process to fill a vacancy in the charter office of the city
275 manager or the city attorney within 90 days after the vacancy
276 occurs. An acting city manager or acting city attorney may be
277 appointed by the city commission during a vacancy in office.

278 (e) Candidate for city office.--No charter officer shall
279 be a candidate for any elected office while holding his or her
280 charter office position.

281 (2) CITY MANAGER.--The city manager shall be the chief
282 administrative officer of the city and shall serve at the
283 direction and discretion of the city commission.

284 (a) Qualifications.--The city manager shall be selected on
285 the basis of qualifications the commissioners deem appropriate,
286 including, but not limited to, experience, expertise, and
287 management ability as they pertain to running municipal
288 government.

289 (b) Powers and duties.--The city manager shall:

290 1. Attend all meetings of the city commission.

291 2. Be responsible to the commission for the administration
292 of all city affairs placed in his or her charge by majority vote
293 of the commission or under this charter.

294 (3) CITY ATTORNEY.--The commission members may contract
295 with a city attorney.

296 (a) Qualifications.--The city attorney shall be a member
297 in good standing of The Florida Bar.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

98 (b) Powers and duties.--The city attorney or his or her
299 designee, who shall be a lawyer and a member in good standing of
300 The Florida Bar, shall:

301 1. Attend all city commission meetings unless excused by
302 the city commission.

303 2. Perform such professional duties as may be required by
304 law or by the commission in furtherance of the law.

305 3. Be the chief legal officer of the city and serve as
306 chief legal advisor to the commission, the city manager, and all
307 city departments, offices, city advisory boards, and agencies.

308 Section 8. Elections.--

309 (1) ELECTORS.--Any person who is a resident of the city,
310 who has qualified as an elector of the state, and who registers
311 in the manner prescribed by law shall be an elector of this
312 city.

13 (2) NONPARTISAN ELECTIONS.--All elections for the office
314 of mayor or other city commissioners shall be conducted on a
315 nonpartisan basis without any designation of political party
316 affiliation.

317 (3) QUALIFICATIONS.--Candidates for the office of city
318 commission member or mayor shall qualify for office by filing a
319 written notice of candidacy with the designated official at such
320 time and in such manner as may be prescribed by the Florida
321 Election Code and as otherwise provided in this charter.

322 (4) PROCEDURE FOR REGULAR ELECTIONS AND RUNOFF
323 ELECTIONS.--

324 (a) The regular election of the city commission members
325 and mayor shall be held on the third Tuesday after the third
326 Monday in April in each even-numbered year when the 4-year term
327 for each respective seat has expired, in the manner provided for
28 by this charter, and general law. Runoff elections, if

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

329 necessary, shall be held on the third Tuesday after the third
330 Monday in May in the same year.

331 (b) No later than noon Friday, 3 weeks before the election
332 for office, any individual who wishes to run for one of the five
333 initial seats on the commission shall qualify as a candidate
334 with the Bay County Supervisor of Elections in accordance with
335 the provisions of this charter and general law. Each candidate
336 must specify for which of the seats he or she desires to
337 campaign and serve.

338 (c)1. The Bay County Commission shall appoint a canvassing
339 board of three members who are not candidates, which shall
340 certify the results of the election. At least one citizen from
341 the area or municipality of Southport shall be appointed to
342 serve on the canvassing board.

343 2. After the initial election, the city commissioners
344 shall decide how results are certified by ordinance.

345 3. If two or more persons qualify for a seat and none
346 receive a majority of the votes cast for that seat, the two
347 candidates receiving the highest number of votes shall face each
348 other in a runoff election. The person receiving the highest
349 number of votes at said runoff election shall be elected. The
350 canvass of returns for said runoff election shall be the same as
351 for a general election.

352 (d) In the event of a tie vote for any seat, the names of
353 the candidates who tied shall be placed in a box and one name
354 shall be drawn by a member of the canvassing board. The
355 candidate whose name is drawn from the box shall be the winning
356 candidate.

357 (e) The result of the voting, when ascertained, shall be
358 certified by a return in duplicate, signed by two of the members
359 of the canvassing board. One copy shall be delivered to the city

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

attorney and the other copy shall be delivered to the city manager. Both returns are to be delivered to the city commission at a meeting to be held at noon on the day following certification of the election results. At such meeting, the city commission shall convey the return and announce the results of the election on the official record.

(5) INDUCTION INTO OFFICE.--

(a) Those candidates who are elected shall be inducted into office and take office at a meeting held at the regular meeting place of the commission no more than 30 days after the final election requirements are determined to be in compliance.

(b) Initial elections shall be held after the referendum for incorporation as stated in section 12.

(6) RECALL OF CITY COMMISSIONERS.--Any member of the city commission may be removed from office by the electors of the city following the procedures of recall established in general law.

(7) DISTRICT BOUNDARIES.--

(a) Elections shall be held at large until such time as the commissioners pass an ordinance providing for voting districts.

(b) In the event that the commissioners pass an ordinance providing for voting districts, such districts shall come up for review every 5 years after the first election they are in use, unless an earlier review is determined necessary by the supervisor of elections and the commission.

Section 9. Southport area municipal services.--After the first general election, the city commissioners may authorize the city manager to enter into contracts for municipal services on behalf of the City of Southport. Before a city manager is hired,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

the mayor is authorized to enter into contracts for services on behalf of the city.

Section 10. General provisions.--

(1) CHARTER AMENDMENT.--This charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend the charter shall be established by ordinance.

(2) CHARTER REVIEW.--The standards for charter review shall be established by ordinance.

(3) INITIATIVE AND REFERENDUM.--At least 25 percent of the qualified electorate of the city shall have the power to petition to propose an ordinance or to require reconsideration of an adopted ordinance, and if the commission fails to adopt such ordinance so proposed or to repeal such adopted ordinance without any change in substance, then the commission shall place the proposed ordinance or the repeal of the adopted ordinance on the ballot at the next general election.

(4) STANDARDS OF CONDUCT.--All elected officials and employees of the city shall be subject to the standards of conduct for public officials and employees set by general law. In addition, the city commission may by ordinance establish a code of ethics for officials and employees of the city which may be supplemental to the general law, but in no case may such an ordinance diminish the provisions of general law.

Section 11. Severability.--If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

20 invalid provision or application, and to this end the provisions
421 of this act are declared severable.

422 Section 12. Transition schedule.--

423 (1) REFERENDUM.--The referendum election called for the
424 purposes of this act shall be held no later than 90 days from
425 the date of legislative approval of this act, unless there is
426 established a different municipal election date, in which case
427 the election shall be on the date so established. At such time,
428 the issue of whether to incorporate the City of Southport shall
429 be placed upon the ballot. In the event the electorate votes
430 affirmatively by a majority of electors voting in the referendum
431 to incorporate and establish the City of Southport, the
432 provisions of this charter shall take effect as provided herein.

433 (2) CREATION AND ESTABLISHMENT OF CITY.--For the purpose
434 of compliance with general law, relating to assessment and
35 collection of ad valorem taxes, the City of Southport is hereby
436 created and established effective the date this charter becomes
437 law.

438 (3) INITIAL ELECTION OF COMMISSIONERS; DATES, QUALIFYING
439 PERIOD, CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO
440 OFFICE.--

441 (a) Following the adoption of this charter in accordance
442 with section 13, the Bay County Commission shall call a special
443 election of a mayor and the other four city commissioners to be
444 held as soon as possible but no more than 90 days after an
445 affirmative vote to incorporate by referendum at the convenience
446 of the supervisor of elections. Any necessary runoff elections
447 shall be held as soon as possible but no sooner than 14 days and
448 no more than 60 days after the special election at the
449 convenience of the supervisor of elections.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

450 (b) No later than noon Friday, 3 weeks before the election
451 of commissioners, any individual who wishes to run for one of
452 the five initial seats on the commission shall qualify as a
453 candidate with the Bay County Supervisor of Elections in
454 accordance with the provisions of this charter and general law.
455 Each candidate must specify for which of the seats he or she
456 desires to campaign and serve.

457 (c)1. The Bay County Commission shall appoint a canvassing
458 board of three members who are not candidates which shall
459 certify the results of the election. At least one citizen from
460 the area or municipality of Southport shall be appointed to
461 serve on the canvassing board.

462 2. After the initial election, the city commissioners
463 shall decide how results are certified by ordinance.

464 3. If two or more persons qualify for a seat and none
465 receives a majority of the votes cast for that seat, the two
466 candidates receiving the highest number of votes shall face each
467 other in a runoff election. The person receiving the highest
468 number of votes at said runoff election shall be elected. The
469 canvass of returns for said runoff election shall be the same as
470 for a general election.

471 4. In the event of a tie vote for any seat, the names of
472 the candidates who tied shall be placed in a box and one name
473 shall be drawn by a member of the canvassing board. The
474 candidate whose name is drawn from the box shall be the winning
475 candidate.

476 (4) INDUCTION INTO OFFICE.--Those candidates who are
477 elected shall be inducted into office and take office at the
478 initial city commission meeting, which shall be held no more
479 than 30 days after the final election requirements are

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

determined to be in compliance at the Southport Community Center, located at 7334 Franklin Street, Southport, Florida.

(5) TRANSITION SERVICES AND COMPENSATION.--It is intended that Bay County provide and be compensated for the provision of services for the City of Southport as budgeted for in the fiscal year 2006-2007 Bay County Budget as far as the revenue will provide. The level of services to be provided will be consistent with the level upon which the fiscal year 2006-2007 expense budget was predicted and in accordance with adopted revenue. It is the responsibility of the city to adopt appropriate ordinances, resolutions, or agreements as required to ensure the continued collection of budgeted revenues with which to fund services beginning January 1, 2007. Any revenues adopted or received by the City of Southport upon which delivery of services was not predicted within the county's fiscal year 2006-2007 adopted budget shall accrue to the City of Southport. Services that the county shall provide under the terms of this agreement include all services provided to the Southport municipal district as adopted by the Bay County Commission prior to the City of Southport becoming operational.

(6) FIRST-YEAR EXPENSES.--The commission, in order to provide moneys for the expenses and support of this city, shall have the power to borrow money necessary for the operation of city government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

(7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The city commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first commission meeting shall be passed as emergency ordinances. These transitional ordinances shall be effective for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

no longer than 90 days after adoption and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATION.--

(a) Until such time as the city adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Bay County, as the same exists on the day the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the City Commission of Southport, which shall be deemed the local planning agency until the commission establishes a separate local planning agency.

(b) All powers and duties of the Bay County Planning and Land Development Regulations Commission, any boards of adjustment and appeals created pursuant to statutory trade codes, and the Bay County Commission, as set forth in these traditional zoning and land use regulations, shall be vested in the City Commission of Southport until such time as the city commission delegates all or a portion hereof to another entity.

(c) Upon the City's incorporation, the City shall use Bay County's Comprehensive Plan and land development regulations. However, after the City's incorporation, any amendment to the County's comprehensive plan and land development regulations shall not apply to the City unless approved by the City Commission.

(9) STATE-SHARED REVENUES; CITY PARTICIPATION IN STATE-SHARED REVENUES PROGRAMS.--The City of Southport shall be entitled to participate in the state-shared revenues programs effective immediately on the first day of the month occurring after the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

542 first meeting of the commission. The provisions of section
543 218.23, Florida Statutes, shall be waived for the purpose of
544 eligibility to receive revenue sharing funds from the date of
545 incorporation through the state fiscal year 2006-2007. Initial
546 population estimates for calculating eligibility for shared
547 revenues shall be determined by the University of Florida Bureau
548 of Economic and Business Research. Should the bureau be unable
549 to provide an appropriate population estimate, the Bay County
550 Planning Department shall provide an appropriate estimate.

551 (10) GAS TAX REVENUES.--

552 (a) Notwithstanding the requirements of section 336.025,
553 Florida Statutes, to the contrary, the City of Southport shall
554 be entitled to receive a local option gas tax revenue beginning
555 the first full fiscal year following incorporation.

556 (b) The gas tax distribution shall be made in accordance
557 with an interlocal agreement entered into prior to June 1, 2007.

558 Section 13. This act shall take effect only upon its
559 approval by a majority vote of those qualified electors residing
560 within the proposed corporate limits of the proposed City of
561 Southport voting in a referendum election to be called by the
562 Bay County Commission and to be held in accordance with the
563 provisions of law currently in force, except that this section
564 shall take effect upon becoming a law.
565



COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1091 : Insurer Insolvency

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson			X		
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 6 Total Nays: 0					

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1355 : City of Lauderdale, Broward County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson			X		
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 6 Total Nays: 0					

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1363 CS : Affordable Housing

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Sarah Bleakley (Lobbyist) - Proponent
Florida Association of Counties
1500 Mahan
Tallahassee FL 32201
Phone: 850-224-4070

Jeffrey Sharkey (Lobbyist) - Proponent
Coalition of Affordable Housing Coalition
106 E College Avenue
Tallahassee FL 32301
Phone: 850-224-1660

Trey Price (Lobbyist) - Proponent
Florida Association of Realtors
200 S Monroe Street
Tallahassee FL 32308
Phone: 850-224-1400

Sally Heyman - Proponent
Miami-Dade County
111 NW 1st Street
Miami FL

Ilene Lieberman - Proponent
Broward County
115 S Andrews Avenue
Ft. Lauderdale FL 33301
Phone: 954-357-7001

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

Rayme Nuckles - Proponent
Homeless Coalition of Hillsborough
1102 N Florida Avenue
Tampa FL 33602
Phone: 813-404-7514

Dee Carper (Lobbyist) - Proponent
Florida League of Cities
P. O. Box 1757
Tallahassee FL 32302
Phone: 850-222-9684

Eric Ball - Proponent
City of Palmetto
512 Riverside Drive
Palmetto FL 34221
Phone: 941-266-2215

Wellington Meffert (Lobbyist) - Proponent
Florida Housing
227 N Bronough Street
Tallahassee FL 32301
Phone: 850-488-4197

Mark Hendrickson (Lobbyist) - Proponent
Florida Association of Local Housing Finance Authorities
1404 Albaa
Tallahassee FL 32301
Phone: 850-671-5601

Jaimie Ross - Proponent
1000 Friends of Florida
926 E Park Avenue
Tallahassee FL 32301
Phone: 850-212-0587

Manny Diaz - Proponent
City of Miami
3500 Pan American Drive
Miami FL 33133
Phone: 305-250-5300

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Trust Fund, sold with a restriction that requires any development on the property to include a specified percentage of permanent affordable housing, or donated to a nonprofit housing organization for the construction of permanent affordable housing.

(2) After completing an inventory list, the board of county commissioners shall hold at least two public hearings to discuss the inventory list and staff's recommendation concerning which properties are appropriate for use as affordable housing. The board shall comply with the provisions of s. 125.66(4)(b)1. regarding the advertisement of the public hearings and shall hold the first hearing no later than 30 days after completing the inventory list. The board shall approve the inventory list through the adoption of a resolution at the second hearing no later than 6 months after completing the inventory list.

(3) After the inventory list has been approved by resolution, the board of county commissioners shall immediately make available any real property that has been identified in the inventory list as appropriate for use as affordable housing. The county shall make the surplus real property available to:

(a) A private developer if the purchase price paid by the developer is not less than the appraised value of the property based on its highest and best use and the real property is sold with deed restrictions that require a specified percentage of any project developed on the real property to provide affordable housing for low-income and moderate-income persons, with a minimum of 10 percent of the units in the project available for low-income persons and another 10 percent of the units available for moderate-income persons for a total minimum of 20 percent, or, if providing rental housing or a combination of rental housing and homeownership, an additional 5 percent of the units

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

54 available for very-low-income persons for a total minimum of 25
55 percent;

56 (b) A private developer without any requirement that a
57 percentage of the units built on the real property be affordable
58 if the purchase price paid by the developer is not less than the
59 appraised value of the property based on its highest and best
60 use, in which case the county must use the funds received from
61 the developer to acquire real property on which affordable
62 housing will be built or donate the funds to the Local Housing
63 Assistance Trust Fund for the purpose of implementing the
64 programs described in ss. 420.907-420.9079; or

65 (c) A nonprofit housing organization, such as a community
66 land trust, housing authority, or community redevelopment agency
67 to be used for the production and preservation of permanent
68 affordable housing.

69 (4) The deed restrictions required under paragraph (3)(a)
70 for an affordable housing unit must also prohibit the sale of
71 the unit at a price that exceeds the threshold for housing that
72 is affordable for low-income or moderate-income persons or to a
73 buyer who is not eligible due to his or her income under chapter
74 420. The deed restrictions may allow the affordable housing
75 units created under paragraph (3)(a) to be rented to extremely-
76 low-income, very-low income, low-income, or moderate-income
77 persons.

78 (5) For purposes of this section, the terms "affordable,"
79 "low-income persons," "moderate-income persons," very-low-income
80 and " extremely-low-income persons" have the same meaning as in
81 s. 420.0004.

82 Section 2. Paragraphs (d), (e), and (f) of subsection (2)
83 of section 163.31771, Florida Statutes, are amended to read:

84 163.31771 Accessory dwelling units.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

85 (2) As used in this section, the term:

86 (d) "Low-income persons" has the same meaning as in s.
87 420.0004 (10) ~~(9)~~.

88 (e) "Moderate-income persons" has the same meaning as in
89 s. 420.0004 (11) ~~(10)~~.

90 (f) "Very-low-income persons" has the same meaning as in
91 s. 420.0004 (15) ~~(14)~~.

92 Section 3. Paragraph (c) of subsection (1) of section
93 163.3187, Florida Statutes, is amended to read:

94 163.3187 Amendment of adopted comprehensive plan.--

95 (1) Amendments to comprehensive plans adopted pursuant to
96 this part may be made not more than two times during any
97 calendar year, except:

98 (c) Any local government comprehensive plan amendments
99 directly related to proposed small scale development activities
100 may be approved without regard to statutory limits on the
101 frequency of consideration of amendments to the local
102 comprehensive plan. A small scale development amendment may be
103 adopted only under the following conditions:

104 1. The proposed amendment involves a use of 10 acres or
105 fewer and:

106 a. The cumulative annual effect of the acreage for all
107 small scale development amendments adopted by the local
108 government shall not exceed:

109 (I) A maximum of 120 acres in a local government that
110 contains areas specifically designated in the local
111 comprehensive plan for urban infill, urban redevelopment, or
112 downtown revitalization as defined in s. 163.3164, urban infill
113 and redevelopment areas designated under s. 163.2517,
114 transportation concurrency exception areas approved pursuant to
115 s. 163.3180(5), or regional activity centers and urban central

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

116 business districts approved pursuant to s. 380.06(2)(e);
117 however, amendments under this paragraph may be applied to no
118 more than 60 acres annually of property outside the designated
119 areas listed in this sub-sub-subparagraph. Amendments adopted
120 pursuant to paragraph (k) shall not be counted toward the
121 acreage limitations for small scale amendments under this
122 paragraph.

123 (II) A maximum of 80 acres in a local government that does
124 not contain any of the designated areas set forth in sub-sub-
125 subparagraph (I).

126 (III) A maximum of 120 acres in a county established
127 pursuant to s. 9, Art. VIII of the State Constitution.

128 b. The proposed amendment does not involve the same
129 property granted a change within the prior 12 months.

130 c. The proposed amendment does not involve the same
131 owner's property within 200 feet of property granted a change
132 within the prior 12 months.

133 d. The proposed amendment does not involve a text change
134 to the goals, policies, and objectives of the local government's
135 comprehensive plan, but only proposes a land use change to the
136 future land use map for a site-specific small scale development
137 activity.

138 e. The property that is the subject of the proposed
139 amendment is not located within an area of critical state
140 concern, unless the project subject to the proposed amendment
141 involves the construction of affordable housing units meeting
142 the criteria of s. 420.0004(3), and is located within an area of
143 critical state concern designated by s. 380.0552 or by the
144 Administration Commission pursuant to s. 380.05(1). Such
145 amendment is not subject to the density limitations of sub-
146 subparagraph f., and shall be reviewed by the state land

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

147 planning agency for consistency with the principles for guiding
148 development applicable to the area of critical state concern
149 where the amendment is located and shall not become effective
150 until a final order is issued under s. 380.05(6).

151 f. If the proposed amendment involves a residential land
152 use, the residential land use has a density of 10 units or less
153 per acre or the proposed future land use category allows a
154 maximum residential density of the same or less than the maximum
155 residential density allowable under the existing future land use
156 category, except that this limitation does not apply to small
157 scale amendments involving the construction of affordable
158 housing units meeting the criteria of s. 420.0004(3) on property
159 which will be the subject of a land use restriction agreement ~~or~~
160 ~~extended use agreement recorded in conjunction with the issuance~~
161 ~~of tax exempt bond financing or an allocation of federal tax~~
162 ~~credits issued through the Florida Housing Finance Corporation~~
163 ~~or a local housing finance authority authorized by the Division~~
164 ~~of Bond Finance of the State Board of Administration~~, or small
165 scale amendments described in sub-sub-subparagraph a.(I) that
166 are designated in the local comprehensive plan for urban infill,
167 urban redevelopment, or downtown revitalization as defined in s.
168 163.3164, urban infill and redevelopment areas designated under
169 s. 163.2517, transportation concurrency exception areas approved
170 pursuant to s. 163.3180(5), or regional activity centers and
171 urban central business districts approved pursuant to s.
172 380.06(2) (e).

173 2.a. A local government that proposes to consider a plan
174 amendment pursuant to this paragraph is not required to comply
175 with the procedures and public notice requirements of s.
176 163.3184(15)(c) for such plan amendments if the local government
177 complies with the provisions in s. 125.66(4)(a) for a county or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high-hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 4. Section 166.0451, Florida Statutes, is created to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

209 166.0451 Disposition of municipal property for affordable
210 housing.--

211 (1) By January 1, 2007, and every 3 years thereafter, each
212 municipality shall prepare an inventory list of all real
213 property within its jurisdiction to which the municipality holds
214 fee simple title. The inventory list must include the address
215 and legal description of each property and specify whether the
216 property is vacant or improved. Municipal planning staff shall
217 review the inventory list and identify each real property that
218 is appropriate for use as affordable housing. The time for
219 preparing the inventory list and its review by municipal
220 planning staff may not exceed 6 months. The properties
221 identified as appropriate for use as affordable housing may be
222 offered for sale and the proceeds used to purchase land for the
223 development of affordable housing or donated to the Local
224 Housing Assistance Trust Fund, sold with a restriction that
225 requires any development on the property to include a specified
226 percentage of permanent affordable housing, or donated to a
227 nonprofit housing organization for the construction of permanent
228 affordable housing.

229 (2) Upon completing an inventory list in compliance with
230 this section, the governing body of the municipality shall hold
231 at least two public hearings to discuss the inventory list and
232 the recommendation of the staff concerning which properties are
233 appropriate for use as affordable housing. The governing body
234 shall comply with s. 166.041(3)(c)2.a. regarding the
235 advertisement of the public hearings and shall hold the first
236 hearing no later than 30 days after completing the inventory
237 list. The governing body shall approve the inventory list
238 through the adoption of a resolution at the second hearing no
239 later than 6 months after completing the inventory list.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

240 (3) After the inventory list has been approved by
241 resolution, the governing body of the municipality shall
242 immediately make available any real property that has been
243 identified in the inventory list as appropriate for use as
244 affordable housing. The municipality shall make the surplus real
245 property available to:

246 (a) A private developer if the purchase price paid by the
247 developer is not less than the appraised value of the property
248 based on its highest and best use and the real property is sold
249 with deed restrictions that require a specified percentage of
250 any project developed on the real property to provide affordable
251 housing for low-income and moderate-income persons, with a
252 minimum of 10 percent of the units in the project available for
253 low-income persons and another 10 percent of the units available
254 for moderate-income persons for a total minimum of 20 percent,
255 or, if providing rental housing or a combination of rental
256 housing and homeownership, an additional 5 percent of the units
257 available for very-low-income persons for a total minimum of 25
258 percent;

259 (b) A private developer without any requirement that a
260 percentage of the units built on the real property be affordable
261 if the purchase price paid by the developer is not less than the
262 appraised value of the property based on its highest and best
263 use, in which case the municipality must use the funds received
264 from the developer to acquire real property on which affordable
265 housing will be built or donate the funds to the Local Housing
266 Assistance Trust Fund for the purpose of implementing the
267 programs described in ss. 420.907-420.9079; or

268 (c) A nonprofit housing organization, such as a community
269 land trust, housing authority, or community land trust, housing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

authority, or community redevelopment agency to be used for the production and preservation of permanently affordable housing.

(4) The deed restrictions required under paragraph (3)(a) for an affordable housing unit must also prohibit the sale of the unit at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420. The deed restrictions may allow the affordable housing units created under paragraph (3)(a) to be rented to very-low-income, low-income, or moderate-income persons.

(5) For purposes of this section, the terms "affordable," "extremely-low-income," "low-income persons," "moderate-income persons," and "very-low-income persons" have the same meaning as in s. 420.0004.

Section 5. Subsection (6) is added to section 189.4155, Florida Statutes, to read:

189.4155 Activities of special districts; local government comprehensive planning.--

(6) Any independent special district created pursuant to special act or general law, including, but not limited to, this chapter and chapters 190, 191, and 298, for the purpose of providing urban infrastructure of services, is authorized to provide housing and housing assistance for persons eligible under s.420.5095.

Section 6. Subsection (19) is added to section 191.006, Florida Statutes, to read:

191.006 General powers.--The district shall have, and the board may exercise by majority vote, the following powers:

(19) To provide housing or housing assistance for persons eligible under s. 420.5095.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Section 7. Subsection (5) is added to section 193.017, Florida Statutes, to read:

193.017 Low-income housing tax credit.--Property used for affordable housing which has received a low-income housing tax credit from the Florida Housing Finance Corporation, as authorized by s. 420.5099, shall be assessed under s. 193.011 and, consistent with s. 420.5099(5) and (6), pursuant to this section.

(5) If a capitalization rate is used to assess just valuation for the affordable housing property, the appraiser shall use a capitalization rate that is comparable to a rate used for non-affordable, market-based properties.

Section 8. Section 193.018, Florida Statutes, is created to read:

193.018 "The Manny Diaz Affordable Housing Property Tax Assessment Initiative"..--

For the purpose of assessing just valuation of affordable housing properties serving persons with income limits defined as extremely-low, low, moderate, and very-low, as specified in s.420.0004(8), (10), (11), and (15), the actual rental income from rent-restricted units in such a property shall be recognized by the property appraiser for assessment purposes, and a rental income approach as per ss. 193.011(7) shall be used for assessment of the rents for the following affordable housing properties:

(1) Property that is funded by the United States Department of Housing and Urban Development under s. 8 of the United States Housing Act of 1937, that is used to provide affordable housing serving eligible persons as defined by s. 159.603(7), and elderly, extremely-low-income, and very-low-income persons as defined by s. 420.0004(7), (8), and (15), and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

331 that has undergone financial restructuring as provided in s.
332 501, Title V, Subtitle A of the Multifamily Assisted Housing
333 Reform and Affordability Act of 1997;

334 (2) Multifamily, farmworker, or elderly rental properties
335 that are funded by the Florida Housing Finance Corporation under
336 ss. 420.5087 and 420.5089 and the State Housing Initiatives
337 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
338 the Internal Revenue Code; the HOME Investment Partnership
339 Program under the Cranston-Gonzalez National Affordable Housing
340 Act, 42 U.S.C. s.12741 et seq.; or the Federal Home Loan Banks'
341 Affordable Housing Program established pursuant to the Financial
342 Institutions Reform, Recovery and Enforcement Act of 1989,
343 Public Law 101-73; or

344 (3) Multi-family residential rental properties of ten (10)
345 or more units that are certified by the local housing agency as
346 having at least ninety-five percent (95%) of their units
347 providing affordable housing to extremely-low, very-low, low,
348 and moderate income persons as defined by s. 420.0004(7) and
349 (14) (15).

350 (4) Properties used for affordable housing which have
351 received a low-income housing tax credit from the Florida
352 Housing Finance Corporation, as authorized by s. 420.5099, shall
353 be assessed with priority consideration given to the rental
354 income approach under s. 193.011(7) and, consistent with s.
355 420.5099(5) and (6), pursuant to this section, the following
356 assumptions shall apply:

357 (a) The tax credits granted and the financing generated by
358 the tax credits may not be considered as income to the property.

359 (b) The actual rental income from rent-restricted units in
360 such a property shall be recognized by the property appraiser as
361 the real rents for assessing just value.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

362 (c) Any costs paid for by tax credits and costs paid for
363 by additional financing proceeds received under chapter 420 may
364 not be included in the valuation of the property.

365 (d) If an extended low-income housing agreement is filed
366 in the official public records of the county in which the
367 property is located, the agreement, and any recorded amendment
368 or supplement thereto, shall be considered a land-use regulation
369 and a limitation on the highest and best use of the property
370 during the term of the agreement, amendment, or supplement.

371 Section 9. Section 196.1978, Florida Statutes, is amended
372 to read:

373 196.1978 Affordable housing property exemption.--

374 (1) Property used to provide affordable housing serving
375 eligible persons as defined by s. 159.603(7) and persons meeting
376 income limits specified in s. 420.0004(10)(9), (11)(10), and
377 (15)(14), which property is owned entirely by a nonprofit entity
378 which is qualified as charitable under s. 501(c)(3) of the
379 Internal Revenue Code and which complies with Rev. Proc. 96-32,
380 1996-1 C.B. 717, shall be considered property owned by an exempt
381 entity and used for a charitable purpose, and those portions of
382 the affordable housing property which provide housing to
383 individuals with incomes as defined in s. 420.0004(10)(9) and
384 (15)(14) shall be exempt from ad valorem taxation to the extent
385 authorized in s. 196.196.

386 (2) For the purposes of this section, ownership entirely
387 by a nonprofit entity is classified as ownership by either:

388 (a) A corporation not for profit; or

389 (b) A Florida limited partnership the sole general partner
390 of which is either a corporation not for profit or a Florida
391 limited liability company or corporation the sole member or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

392 shareholder, respectively, of which is a corporation not for
393 profit.

394 (3) All property owned by a non-profit entity identified
395 in this section shall comply with the criteria for determination
396 of exempt status to be applied by property appraisers on an
397 annual basis as defined in s. 196.195. The Legislature intends
398 that any property owned by a limited liability company which is
399 disregarded as an entity for federal income tax purposes
400 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
401 treated as owned by its sole member.

402 Section 10. Effective July 1, 2007, subsections (9) and
403 (10) of section 201.15, Florida Statutes, as amended by section
404 1 of chapter 2005-92, Laws of Florida, are amended to read:

405 201.15 Distribution of taxes collected.--All taxes
406 collected under this chapter shall be distributed as follows and
407 shall be subject to the service charge imposed in s. 215.20(1),
408 except that such service charge shall not be levied against any
409 portion of taxes pledged to debt service on bonds to the extent
410 that the amount of the service charge is required to pay any
411 amounts relating to the bonds:

412 (9) ~~The lesser of~~ Seven and fifty-three hundredths percent
413 of the remaining taxes collected under this chapter ~~or \$107~~
414 ~~million~~ in each fiscal year shall be paid into the State
415 Treasury to the credit of the State Housing Trust Fund and shall
416 be used as follows:

417 (a) Half of that amount shall be used for the purposes for
418 which the State Housing Trust Fund was created and exists by
419 law.

420 (b) Half of that amount shall be paid into the State
421 Treasury to the credit of the Local Government Housing Trust

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

422 Fund and shall be used for the purposes for which the Local
423 Government Housing Trust Fund was created and exists by law.

424 (10) ~~The lesser of~~ Eight and sixty-six hundredths percent
425 of the remaining taxes collected under this chapter ~~or \$136~~
426 ~~million~~ in each fiscal year shall be paid into the State
427 Treasury to the credit of the State Housing Trust Fund and shall
428 be used as follows:

429 (a) Twelve and one-half percent of that amount shall be
430 deposited into the State Housing Trust Fund and be expended by
431 the Department of Community Affairs and by the Florida Housing
432 Finance Corporation for the purposes for which the State Housing
433 Trust Fund was created and exists by law.

434 (b) Eighty-seven and one-half percent of that amount shall
435 be distributed to the Local Government Housing Trust Fund and
436 shall be used for the purposes for which the Local Government
437 Housing Trust Fund was created and exists by law. Funds from
438 this category may also be used to provide for state and local
439 services to assist the homeless.

440 Section 11. Paragraphs (o) and (q) of subsection (5) of
441 section 212.08, Florida Statutes, are amended to read:

442 212.08 Sales, rental, use, consumption, distribution, and
443 storage tax; specified exemptions.--The sale at retail, the
444 rental, the use, the consumption, the distribution, and the
445 storage to be used or consumed in this state of the following
446 are hereby specifically exempt from the tax imposed by this
447 chapter.

448 (5) EXEMPTIONS; ACCOUNT OF USE.--

449 (o) Building materials in redevelopment projects.--

450 1. As used in this paragraph, the term:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

451 a. "Building materials" means tangible personal property
452 that becomes a component part of a housing project or a mixed-
453 use project.

454 b. "Housing project" means the conversion of an existing
455 manufacturing or industrial building to housing units in an
456 urban high-crime area, enterprise zone, empowerment zone, Front
457 Porch Community, designated brownfield area, or urban infill
458 area and in which the developer agrees to set aside at least 20
459 percent of the housing units in the project for low-income and
460 moderate-income persons or the construction in a designated
461 brownfield area of affordable housing for persons described in
462 s. 420.0004(8)(9), (11)(10), or (15)(14), or in s. 159.603(7).

463 c. "Mixed-use project" means the conversion of an existing
464 manufacturing or industrial building to mixed-use units that
465 include artists' studios, art and entertainment services, or
466 other compatible uses. A mixed-use project must be located in an
467 urban high-crime area, enterprise zone, empowerment zone, Front
468 Porch Community, designated brownfield area, or urban infill
469 area, and the developer must agree to set aside at least 20
470 percent of the square footage of the project for low-income and
471 moderate-income housing.

472 d. "Substantially completed" has the same meaning as
473 provided in s. 192.042(1).

474 2. Building materials used in the construction of a
475 housing project or mixed-use project are exempt from the tax
476 imposed by this chapter upon an affirmative showing to the
477 satisfaction of the department that the requirements of this
478 paragraph have been met. This exemption inures to the owner
479 through a refund of previously paid taxes. To receive this
480 refund, the owner must file an application under oath with the
481 department which includes:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

482 a. The name and address of the owner.

483 b. The address and assessment roll parcel number of the
484 project for which a refund is sought.

485 c. A copy of the building permit issued for the project.

486 d. A certification by the local building code inspector
487 that the project is substantially completed.

488 e. A sworn statement, under penalty of perjury, from the
489 general contractor licensed in this state with whom the owner
490 contracted to construct the project, which statement lists the
491 building materials used in the construction of the project and
492 the actual cost thereof, and the amount of sales tax paid on
493 these materials. If a general contractor was not used, the owner
494 shall provide this information in a sworn statement, under
495 penalty of perjury. Copies of invoices evidencing payment of
496 sales tax must be attached to the sworn statement.

497 3. An application for a refund under this paragraph must
498 be submitted to the department within 6 months after the date
499 the project is deemed to be substantially completed by the local
500 building code inspector. Within 30 working days after receipt of
501 the application, the department shall determine if it meets the
502 requirements of this paragraph. A refund approved pursuant to
503 this paragraph shall be made within 30 days after formal
504 approval of the application by the department. The provisions of
505 s. 212.095 do not apply to any refund application made under
506 this paragraph.

507 4. The department shall establish by rule an application
508 form and criteria for establishing eligibility for exemption
509 under this paragraph.

510 5. The exemption shall apply to purchases of materials on
511 or after July 1, 2000.

512 (q) Community contribution tax credit for donations.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

513 1. Authorization.--~~Beginning July 1, 2001,~~ Persons who are
514 registered with the department under s. 212.18 to collect or
515 remit sales or use tax and who make donations to eligible
516 sponsors are eligible for tax credits against their state sales
517 and use tax liabilities as provided in this paragraph:

518 a. The credit shall be computed as 50 percent of the
519 person's approved annual community contribution.~~†~~

520 b. The credit shall be granted as a refund against state
521 sales and use taxes reported on returns and remitted in the 12
522 months preceding the date of application to the department for
523 the credit as required in sub-subparagraph 3.c. If the annual
524 credit is not fully used through such refund because of
525 insufficient tax payments during the applicable 12-month period,
526 the unused amount may be included in an application for a refund
527 made pursuant to sub-subparagraph 3.c. in subsequent years
528 against the total tax payments made for such year. Carryover
529 credits may be applied for a 3-year period without regard to any
530 time limitation that would otherwise apply under s. 215.26.~~†~~

531 c. A person may not receive more than \$200,000 in annual
532 tax credits for all approved community contributions made in any
533 one year.~~†~~

534 d. All proposals for the granting of the tax credit
535 require the prior approval of the Office of Tourism, Trade, and
536 Economic Development.~~†~~

537 e. The total amount of tax credits which may be granted
538 for all programs approved under this paragraph, s. 220.183, and
539 s. 624.5105 is \$10 \$12 million annually for projects that
540 provide homeownership opportunities for low-income or very-low-
541 income persons as defined in s. 420.9071(19) and (28) and \$3
542 million annually for all other projects.~~† and~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

43 f. A person who is eligible to receive the credit provided.
544 for in this paragraph, s. 220.183, or s. 624.5105 may receive
545 the credit only under the one section of the person's choice.

546 2. Eligibility requirements.--

547 a. A community contribution by a person must be in the
548 following form:

549 (I) Cash or other liquid assets;

550 (II) Real property;

551 (III) Goods or inventory; or

552 (IV) Other physical resources as identified by the Office
553 of Tourism, Trade, and Economic Development.

554 b. All community contributions must be reserved
555 exclusively for use in a project. As used in this sub-
556 subparagraph, the term "project" means any activity undertaken
557 by an eligible sponsor which is designed to construct, improve,
558 or substantially rehabilitate housing that is affordable to low-
559 income or very-low-income households as defined in s.
560 420.9071(19) and (28); designed to provide commercial,
561 industrial, or public resources and facilities; or designed to
562 improve entrepreneurial and job-development opportunities for
563 low-income persons. A project may be the investment necessary to
564 increase access to high-speed broadband capability in rural
565 communities with enterprise zones, including projects that
566 result in improvements to communications assets that are owned
567 by a business. A project may include the provision of museum
568 educational programs and materials that are directly related to
569 any project approved between January 1, 1996, and December 31,
570 1999, and located in an enterprise zone designated pursuant to
571 s. 290.0065. This paragraph does not preclude projects that
572 propose to construct or rehabilitate housing for low-income or
573 very-low-income households on scattered sites. With respect to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s.
1009.983;

(X) An enterprise zone development agency created under s.
290.0056;

(XI) A community-based organization incorporated under
chapter 617 which is recognized as educational, charitable, or
scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
and whose bylaws and articles of incorporation include
affordable housing, economic development, or community
development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade,
and Economic Development designates by rule.

In no event may a contributing person have a financial interest
in the eligible sponsor.

d. The project must be located in an area designated an
enterprise zone or a Front Porch Florida Community pursuant to
s. 20.18(6), unless the project increases access to high-speed
broadband capability for rural communities with enterprise zones
but is physically located outside the designated rural zone
boundaries. Any project designed to construct or rehabilitate
housing for low-income or very-low-income households as defined
in s. 420.0971(19) and (28) is exempt from the area requirement
of this sub-subparagraph.

~~e. (I) For the first 6 months of the fiscal year, the
Office of Tourism, Trade, and Economic Development shall reserve
80 percent of the first \$10 million in available annual tax
credits and 70 percent of any available annual tax credits in~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

~~excess of \$10 million for donations made to eligible sponsors for projects that provide homeownership opportunities for low income or very low income households as defined in s. 420.9071(19) and (28). If any such reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households.~~

~~(II) For the first 6 months of the fiscal year, the office shall reserve 20 percent of the first \$10 million in available annual tax credits and 30 percent of any available annual tax credits in excess of \$10 million for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low income or very low income households.~~

~~(I)(III)~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax credits available for those projects reserved under sub-subparagraph (I), the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the~~ state fiscal year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for more than the ~~available~~ annual tax credits available for those projects reserved under sub-sub-subparagraph (I), the office shall grant the tax credits for those the applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved, ~~subject to sub-sub-subparagraph (I)~~.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits ~~under sub-sub-subparagraph (I)~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~(C) If, after the first 6 months of the fiscal year, additional credits become available under sub-sub-subparagraph (II), the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first come, first served basis.~~

~~(II)-(IV)~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for less than the available

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

698 annual tax credits available for those projects ~~reserved under~~
699 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits
700 for those applications and shall grant remaining tax credits on
701 a first-come, first-served basis for any subsequent eligible
702 applications received before the end of ~~the first 6 months of~~
703 the state fiscal year. If, during the first 10 business days of
704 the state fiscal year, eligible tax credit applications for
705 projects other than those that provide homeownership
706 opportunities for low-income or very-low-income persons as
707 defined in s. 420.9071(19) and (28) are received for more than
708 the ~~available~~ annual tax credits available for those projects
709 ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant
710 the tax credits for those the applications on a pro rata basis.
711 ~~If, after the first 6 months of the fiscal year, additional~~
712 ~~credits become available under sub-sub-subparagraph (I), the~~
713 ~~office shall grant the tax credits by first granting to those~~
714 ~~who received a pro rata reduction up to the full amount of their~~
715 ~~request and, if there are remaining credits, granting credits to~~
716 ~~those who applied on or after the 11th business day of the state~~
717 ~~fiscal year on a first come, first served basis.~~

718 3. Application requirements.--

719 a. Any eligible sponsor seeking to participate in this
720 program must submit a proposal to the Office of Tourism, Trade,
721 and Economic Development which sets forth the name of the
722 sponsor, a description of the project, and the area in which the
723 project is located, together with such supporting information as
724 is prescribed by rule. The proposal must also contain a
725 resolution from the local governmental unit in which the project
726 is located certifying that the project is consistent with local
727 plans and regulations.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

28 b. Any person seeking to participate in this program must
729 submit an application for tax credit to the office of ~~Tourism,~~
730 ~~Trade, and Economic Development~~ which sets forth the name of the
731 sponsor, a description of the project, and the type, value, and
732 purpose of the contribution. The sponsor shall verify the terms
733 of the application and indicate its receipt of the contribution,
734 which verification must be in writing and accompany the
735 application for tax credit. The person must submit a separate
736 tax credit application to the office for each individual
737 contribution that it makes to each individual project.

738 c. Any person who has received notification from the
739 office of ~~Tourism, Trade, and Economic Development~~ that a tax
740 credit has been approved must apply to the department to receive
741 the refund. Application must be made on the form prescribed for
742 claiming refunds of sales and use taxes and be accompanied by a
43 copy of the notification. A person may submit only one
744 application for refund to the department within any 12-month
745 period.

746 4. Administration.--

747 a. The Office of Tourism, Trade, and Economic Development
748 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
749 to administer this paragraph, including rules for the approval
750 or disapproval of proposals by a person.

751 b. The decision of the office of ~~Tourism, Trade, and~~
752 ~~Economic Development~~ must be in writing, and, if approved, the
753 notification shall state the maximum credit allowable to the
754 person. Upon approval, the office shall transmit a copy of the
755 decision to the Department of Revenue.

756 c. The office of ~~Tourism, Trade, and Economic Development~~
757 shall periodically monitor all projects in a manner consistent
58 with available resources to ensure that resources are used in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

759 accordance with this paragraph; however, each project must be
760 reviewed at least once every 2 years.

761 d. ~~The office of Tourism, Trade, and Economic Development~~
762 shall, in consultation with the Department of Community Affairs,
763 ~~the Florida Housing Finance Corporation,~~ and the statewide and
764 regional housing and financial intermediaries, market the
765 availability of the community contribution tax credit program to
766 community-based organizations.

767 5. Expiration.--This paragraph expires June 30, 2015;
768 however, any accrued credit carryover that is unused on that
769 date may be used until the expiration of the 3-year carryover
770 period for such credit.

771 Section 12. Paragraph (c) of subsection (1) and paragraph
772 (b) of subsection (2) of section 220.183, Florida Statutes, are
773 amended to read:

774 220.183 Community contribution tax credit.--

775 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
776 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
777 SPENDING.--

778 (c) The total amount of tax credit which may be granted
779 for all programs approved under this section, s. 212.08(5)(q),
780 and s. 624.5105 is \$10 \$12 million annually for projects that
781 provide homeownership opportunities low-income or very-low-
782 income persons as defined in s. 420.9071(19) and (28) and \$3
783 million annually for all other projects.

784 (2) ELIGIBILITY REQUIREMENTS.--

785 (b)1. All community contributions must be reserved
786 exclusively for use in projects as defined in s. 220.03(1)(t).

787 ~~2. For the first 6 months of the fiscal year, the Office~~
788 ~~of Tourism, Trade, and Economic Development shall reserve 80~~
789 ~~percent of the first \$10 million in available annual tax~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

~~credits, and 70 percent of any available annual tax credits in excess of \$10 million, for donations made to eligible sponsors for projects that provide homeownership opportunities for low income or very low income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households.~~

~~3. For the first 6 months of the fiscal year, the office shall reserve 20 percent of the first \$10 million in available annual tax credits, and 30 percent of any available annual tax credits in excess of \$10 million, for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households as defined in s. 420.9071(19) and (28). If any reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low income or very low income households.~~

~~2.4. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for less than the available annual tax credits available for those projects reserved under subparagraph 2., the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

of the ~~first 6 months of the~~ state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for more than the ~~available~~ annual tax credits available for those projects reserved under subparagraph 2., the office shall grant the tax credits for those ~~such~~ applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credit shall be granted in full if the tax credit applications are approved, ~~subject to the provisions of subparagraph 2.~~

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits ~~under subparagraph 2.~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~c. If, after the first 6 months of the fiscal year, additional credits become available pursuant to subparagraph 3., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first come, first served basis.~~

3.5. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

852 credits available for those projects reserved under subparagraph
853 ~~3.~~, the office shall grant tax credits for those applications
854 and shall grant remaining tax credits on a first-come, first-
855 served basis for any subsequent eligible applications received
856 before the end of the ~~first 6 months of the~~ state fiscal year.
857 If, during the first 10 business days of the state fiscal year,
858 eligible tax credit applications for projects other than those
859 that provide homeownership opportunities for low-income or very-
860 low-income persons as defined in s. 420.9071(19) and (28) are
861 received for more than the available annual tax credits
862 available for those projects reserved under subparagraph 3., the
863 office shall grant the tax credits for those ~~such~~ applications
864 on a pro rata basis. ~~If, after the first 6 months of the fiscal~~
865 ~~year, additional credits become available under subparagraph 2.,~~
866 ~~the office shall grant the tax credits by first granting to~~
867 ~~those who received a pro rata reduction up to the full amount of~~
868 ~~their request and, if there are remaining credits, granting~~
869 ~~credits to those who applied on or after the 11th business day~~
870 ~~of the state fiscal year on a first come, first served basis.~~

871 Section 13. Paragraph (f) of subsection (6) of section
872 253.034, Florida Statutes, is amended to read:

873 253.034 State-owned lands; uses.--

874 (6) The Board of Trustees of the Internal Improvement
875 Trust Fund shall determine which lands, the title to which is
876 vested in the board, may be surplused. For conservation lands,
877 the board shall make a determination that the lands are no
878 longer needed for conservation purposes and may dispose of them
879 by an affirmative vote of at least three members. In the case of
880 a land exchange involving the disposition of conservation lands,
881 the board must determine by an affirmative vote of at least
882 three members that the exchange will result in a net positive

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

883 conservation benefit. For all other lands, the board shall make
884 a determination that the lands are no longer needed and may
885 dispose of them by an affirmative vote of at least three
886 members.

887 (f)1. In reviewing lands owned by the board, the council
888 shall consider whether such lands would be more appropriately
889 owned or managed by the county or other unit of local government
890 in which the land is located. A local government may request
891 that state lands be specifically declared surplus lands for the
892 purpose of providing affordable housing. The council shall
893 recommend to the board whether a sale, lease, or other
894 conveyance to a local government would be in the best interests
895 of the state and local government. The provisions of this
896 paragraph in no way limit the provisions of ss. 253.111 and
897 253.115. Such lands shall be offered to the state, county, or
898 local government for a period of 30 days. Permittable uses for
899 such surplus lands may include public schools; public libraries;
900 fire or law enforcement substations; ~~and~~ governmental, judicial,
901 or recreational centers; and affordable housing. County or local
902 government requests for surplus lands shall be expedited
903 throughout the surplusing process. Surplus lands that are
904 conveyed to a local government for affordable housing shall be
905 disposed of under the provisions of s. 125.379 or s. 166.0451.
906 If the county or local government does not elect to purchase
907 such lands in accordance with s. 253.111, then any surplusing
908 determination involving other governmental agencies shall be
909 made upon the board deciding the best public use of the lands.
910 Surplus properties in which governmental agencies have expressed
911 no interest shall then be available for sale on the private
912 market.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

13 2. Notwithstanding subparagraph 1., any surplus lands that
914 were acquired by the state prior to 1958 by a gift or other
915 conveyance for no consideration from a municipality, and which
916 the department has filed by July 1, 2006, a notice of its intent
917 to surplus, shall be first offered for reconveyance to such
918 municipality at no cost, but for the fair market value of any
919 building or other improvements to the land, unless otherwise
920 provided in a deed restriction of record. This subparagraph
921 expires July 1, 2006.

922 Section 14. Section 295.16, Florida Statutes, is amended
923 to read:

924 295.16 Disabled veterans exempt from certain license or
925 permit fee.--No totally and permanently disabled veteran who is
926 a resident of Florida and honorably discharged from the Armed
927 Forces, who has been issued a valid identification card by the
28 Department of Veterans' Affairs in accordance with s. 295.17 or
929 has been determined by the United States Department of Veterans
930 Affairs or its predecessor to have a service-connected 100-
931 percent disability rating for compensation, or who has been
932 determined to have a service-connected disability rating of 100
933 percent and is in receipt of disability retirement pay from any
934 branch of the uniformed armed services, shall be required to pay
935 any license or permit fee, by whatever name known, to any county
936 or municipality in order to make improvements upon a dwelling
937 ~~mobile home~~ owned by the veteran which is used as the veteran's
938 residence, provided such improvements are limited to ramps,
939 widening of doors, and similar improvements for the purpose of
940 making the dwelling ~~mobile home~~ habitable for veterans confined
941 to wheelchairs.

942 Section 15. Paragraphs (b) and (e) of subsection (19) of
43 section 380.06, Florida Statutes, are amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

380.06 Developments of regional impact.--

(19) SUBSTANTIAL DEVIATIONS.--

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

975 6. An increase in land area for office development by 5
976 percent or an increase of gross floor area of office development
977 by 5 percent or 60,000 gross square feet, whichever is greater.

978 7. An increase in the storage capacity for chemical or
979 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
980 million pounds, whichever is greater.

981 8. An increase of development at a waterport of wet
982 storage for 20 watercraft, dry storage for 30 watercraft, or
983 wet/dry storage for 60 watercraft in an area identified in the
984 state marina siting plan as an appropriate site for additional
985 waterport development or a 5-percent increase in watercraft
986 storage capacity, whichever is greater.

987 9. An increase in the number of dwelling units by 5
988 percent or 50 dwelling units, whichever is greater.

989 10. An increase in the number of dwelling units by 15
990 percent or 100 units, whichever is greater, provided that 20
991 percent of the increase in the number of dwelling units is
992 dedicated to the construction of workforce housing. For purposes
993 of this subparagraph, the term "workforce housing" means housing
994 that is affordable to a person who earns less than 150 percent
995 of the area median income.

996 ~~11.10.~~ An increase in commercial development by 50,000
997 square feet of gross floor area or of parking spaces provided
998 for customers for 300 cars or a 5-percent increase of either of
999 these, whichever is greater.

1000 ~~12.11.~~ An increase in hotel or motel facility units by 5
1001 percent or 75 units, whichever is greater.

1002 ~~13.12.~~ An increase in a recreational vehicle park area by
1003 5 percent or 100 vehicle spaces, whichever is less.

1004 ~~14.13.~~ A decrease in the area set aside for open space of
1005 5 percent or 20 acres, whichever is less.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1006 15.14. A proposed increase to an approved multiuse
1007 development of regional impact where the sum of the increases of
1008 each land use as a percentage of the applicable substantial
1009 deviation criteria is equal to or exceeds 100 percent. The
1010 percentage of any decrease in the amount of open space shall be
1011 treated as an increase for purposes of determining when 100
1012 percent has been reached or exceeded.

1013 16.15. A 15-percent increase in the number of external
1014 vehicle trips generated by the development above that which was
1015 projected during the original development-of-regional-impact
1016 review.

1017 17.16. Any change which would result in development of any
1018 area which was specifically set aside in the application for
1019 development approval or in the development order for
1020 preservation or special protection of endangered or threatened
1021 plants or animals designated as endangered, threatened, or
1022 species of special concern and their habitat, primary dunes, or
1023 archaeological and historical sites designated as significant by
1024 the Division of Historical Resources of the Department of State.
1025 The further refinement of such areas by survey shall be
1026 considered under sub-subparagraph (e)5.b.

1027
1028 The substantial deviation numerical standards in subparagraphs
1029 4., 6., 10., 11., and 15. 14., excluding residential uses, and
1030 15., are increased by 100 percent for a project certified under
1031 s. 403.973 which creates jobs and meets criteria established by
1032 the Office of Tourism, Trade, and Economic Development as to its
1033 impact on an area's economy, employment, and prevailing wage and
1034 skill levels. The substantial deviation numerical standards in
1035 subparagraphs 4., 6., 9., 10., 11., 12., and 15. 14. are
1036 increased by 50 percent for a project located wholly within an

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

buildings designated as significant by the Division of
Historical Resources of the Department of State.

f. Changes to increase the acreage in the development,
provided that no development is proposed on the acreage to be
added.

g. Changes to eliminate an approved land use, provided
that there are no additional regional impacts.

h. Changes required to conform to permits approved by any
federal, state, or regional permitting agency, provided that
these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a
previously approved development of regional impact which does
not change land use or increase density or intensity of use.

j. Any other change which the state land planning agency
agrees in writing is similar in nature, impact, or character to
the changes enumerated in sub-subparagraphs a.-i. and which does
not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment
for any change listed in sub-subparagraphs a.-j. unless such
issue is addressed either in the existing development order or
in the application for development approval, but, in the case of
the application, only if, and in the manner in which, the
application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph
2.f., any addition of land not previously reviewed or any change
not specified in paragraph (b) or paragraph (c) shall be
presumed to create a substantial deviation. This presumption may
be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously
approved development shall include a description of individual

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

99 changes previously made to the development, including changes
1100 previously approved by the local government. The local
1101 government shall consider the previous and current proposed
1102 changes in deciding whether such changes cumulatively constitute
1103 a substantial deviation requiring further development-of-
1104 regional-impact review.

1105 5. The following changes to an approved development of
1106 regional impact shall be presumed to create a substantial
1107 deviation. Such presumption may be rebutted by clear and
1108 convincing evidence.

1109 a. A change proposed for 15 percent or more of the acreage
1110 to a land use not previously approved in the development order.
1111 Changes of less than 15 percent shall be presumed not to create
1112 a substantial deviation.

1113 b. Except for the types of uses listed in subparagraph
1114 (b)17. ~~(b)16.~~, any change which would result in the development
1115 of any area which was specifically set aside in the application
1116 for development approval or in the development order for
1117 preservation, buffers, or special protection, including habitat
1118 for plant and animal species, archaeological and historical
1119 sites, dunes, and other special areas.

1120 c. Notwithstanding any provision of paragraph (b) to the
1121 contrary, a proposed change consisting of simultaneous increases
1122 and decreases of at least two of the uses within an authorized
1123 multiuse development of regional impact which was originally
1124 approved with three or more uses specified in s. 380.0651(3)(c),
1125 (d), (f), and (g) and residential use.

1126 Section 16. Paragraph (k) of subsection (3) of section
1127 380.0651, Florida Statutes, is redesignated as paragraph (l),
1128 and a new paragraph (k) is added to that subsection to read:

29 380.0651 Statewide guidelines and standards.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(k) Workforce housing.--The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 20 percent where the developer demonstrates that at least 15 percent of the residential dwelling units will be dedicated to workforce housing. For purposes of this subparagraph, the term "workforce housing" means housing that is affordable to a person who earns less than 150 percent of the area median income.

Section 17. Section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.--As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted gross income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

60 (3) "Affordable" means that monthly rents or monthly
1161 mortgage payments including taxes, insurance, and utilities do
1162 not exceed 30 percent of that amount which represents the
1163 percentage of the median adjusted gross annual income for the
1164 households as indicated in subsection (10) ~~(9)~~, subsection (11)
1165 ~~(10)~~, or subsection (15) ~~(14)~~.

1166 (4) "Corporation" means the Florida Housing Finance
1167 Corporation.

1168 (5) "Community-based organization" or "nonprofit
1169 organization" means a private corporation organized under
1170 chapter 617 to assist in the provision of housing and related
1171 services on a not-for-profit basis and which is acceptable to
1172 federal and state agencies and financial institutions as a
1173 sponsor of low-income housing.

1174 (6) "Department" means the Department of Community
75 Affairs.

1176 (7) "Elderly" describes persons 62 years of age or older.

1177 (8) "Extremely low income persons" means one or more
1178 natural persons or a family whose total annual household income
1179 does not exceed 30 percent of the median annual adjusted gross
1180 income for households within the state. The Florida Housing
1181 Finance Corporation may adjust this amount annually by rule to
1182 provide that in lower income counties extremely low income may
1183 exceed 30 percent of area median income and that in higher
1184 income counties extremely low income may be less than 30 percent
1185 of area median income.

1186 (9)~~(8)~~ "Local public body" means any county, municipality,
1187 or other political subdivision, or any housing authority as
1188 provided by chapter 421, which is eligible to sponsor or develop
1189 housing for farmworkers and very-low-income and low-income
90 persons within its jurisdiction.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1191 (10)~~(9)~~ "Low-income persons" means one or more natural
1192 persons or a family, the total annual adjusted gross household
1193 income of which does not exceed 80 percent of the median annual
1194 adjusted gross income for households within the state, or 80
1195 percent of the median annual adjusted gross income for
1196 households within the metropolitan statistical area (MSA) or, if
1197 not within an MSA, within the county in which the person or
1198 family resides, whichever is greater.

1199 (11)~~(10)~~ "Moderate-income persons" means one or more
1200 natural persons or a family, the total annual adjusted gross
1201 household income of which is less than 120 percent of the median
1202 annual adjusted gross income for households within the state, or
1203 120 percent of the median annual adjusted gross income for
1204 households within the metropolitan statistical area (MSA) or, if
1205 not within an MSA, within the county in which the person or
1206 family resides, whichever is greater.

1207 (12)~~(11)~~ "Student" means any person not living with his or
1208 her parent or guardian who is eligible to be claimed by his or
1209 her parent or guardian as a dependent under the federal income
1210 tax code and who is enrolled on at least a half-time basis in a
1211 secondary school, career center, community college, college, or
1212 university.

1213 (13)~~(12)~~ "Substandard" means:

1214 (a) Any unit lacking complete plumbing or sanitary
1215 facilities for the exclusive use of the occupants;

1216 (b) A unit which is in violation of one or more major
1217 sections of an applicable housing code and where such violation
1218 poses a serious threat to the health of the occupant; or

1219 (c) A unit that has been declared unfit for human
1220 habitation but that could be rehabilitated for less than 50
1221 percent of the property value.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22 ~~(14)~~~~(13)~~ "Substantial rehabilitation" means repair or
1223 restoration of a dwelling unit where the value of such repair or
1224 restoration exceeds 40 percent of the value of the dwelling.

1225 ~~(15)~~~~(14)~~ "Very-low-income persons" means one or more
1226 natural persons or a family, not including students, the total
1227 annual adjusted gross household income of which does not exceed
1228 50 percent of the median annual adjusted gross income for
1229 households within the state, or 50 percent of the median annual
1230 adjusted gross income for households within the metropolitan
1231 statistical area (MSA) or, if not within an MSA, within the
1232 county in which the person or family resides, whichever is
1233 greater.

1234 Section 18. Section 420.37, Florida Statutes, is repealed.

1235 Section 19. Subsection (18) of section 420.503, Florida
1236 Statutes, is amended to read:

37 420.503 Definitions.--As used in this part, the term:

1238 ~~(18)~~~~(a)~~ "Farmworker" means a laborer who is employed on a
1239 seasonal, temporary, or permanent basis in the planting,
1240 cultivating, harvesting, or processing of agricultural or
1241 aquacultural products and who derived at least 50 percent of her
1242 or his income in the immediately preceding 12 months from such
1243 employment.

1244 ~~(b)~~ "Farmworker" ~~also~~ includes a person who has retired as
1245 a laborer due to age, disability, or illness. In order to be
1246 considered retired as a farmworker due to age under this part, a
1247 person must be 50 years of age or older and must have been
1248 employed for a minimum of 5 years as a farmworker before
1249 retirement. In order to be considered retired as a farmworker
1250 due to disability or illness, a person must:

1251 ~~1.~~~~(a)~~ Establish medically that she or he is unable to be
52 employed as a farmworker due to that disability or illness.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1253 2.(b) Establish that she or he was previously employed as
1254 a farmworker.

1255 (c) Notwithstanding paragraphs (a) and (b), when
1256 corporation-administered funds are used in conjunction with
1257 United States Department of Agriculture Rural Development funds,
1258 the term "farmworker" may mean a laborer who meets, at a
1259 minimum, the definition of "domestic farm laborer" as found in 7
1260 C.F.R. s. 3560.11, as amended. The corporation may establish
1261 additional criteria by rule.

1262 Section 20. Section 420.5061, Florida Statutes, is amended
1263 to read:

1264 420.5061 Transfer of agency assets and
1265 liabilities.--Effective January 1, 1998, all assets and
1266 liabilities and rights and obligations, including any
1267 outstanding contractual obligations, of the agency shall be
1268 transferred to the corporation as legal successor in all
1269 respects to the agency. The corporation shall thereupon become
1270 obligated to the same extent as the agency under any existing
1271 agreements and be entitled to any rights and remedies previously
1272 afforded the agency by law or contract, including specifically
1273 the rights of the agency under chapter 201 and part VI of
1274 chapter 159. The corporation is a state agency for purposes of
1275 s. 159.807(4)(a). Effective January 1, 1998, all references
1276 under Florida law to the agency are deemed to mean the
1277 corporation. The corporation shall transfer to the General
1278 Revenue Fund an amount which otherwise would have been deducted
1279 as a service charge pursuant to s. 215.20(1) if the Florida
1280 Housing Finance Corporation Fund established by s. 420.508(5),
1281 the State Apartment Incentive Loan Fund established by s.
1282 420.5087(7), the Florida Homeownership Assistance Fund
1283 established by s. 420.5088(4)~~(5)~~, the HOME Investment

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.

Section 21. Subsections (22), (23), and (40) of section 420.507, Florida Statutes, are amended, and subsections (44), (45), and (46) are added to that section, to read:

420.507 Powers of the corporation.--The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of their total units for residents qualifying as farmworkers as defined in this part ~~s. 420.503(18)~~, or commercial fishing workers as defined in this part ~~s. 420.503(5)~~, or the homeless as defined in s. 420.621(4) over the life of the loan.

2. The board may set the interest rate based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One to ~~Three to 9~~ percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, and the homeless.

(b) The corporation may make loans exceeding 25 percent of project cost when the project serves extremely low income persons.

(c) The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely low income persons.

(d) ~~(b)~~ Geographically and demographically target the utilization of loans.

(e) ~~(e)~~ Underwrite credit, and reject projects which do not meet the established standards of the corporation.

(f) ~~(d)~~ Negotiate with governing bodies within the state after a loan has been awarded to obtain local government contributions.

(g) ~~(e)~~ Inspect any records of a sponsor at any time during the life of the loan or the agreed period for maintaining the provisions of s. 420.5087.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1346 ~~(h)(f)~~ Establish, by rule, the procedure for evaluating,
1347 scoring, and competitively ranking all applications based on the
1348 criteria set forth in s. 420.5087(6)(c); determining actual loan
1349 amounts; making and servicing loans; and exercising the powers
1350 authorized in this subsection.

1351 ~~(i)(g)~~ Establish a loan loss insurance reserve to be used
1352 to protect the outstanding program investment in case of a
1353 default, deed in lieu of foreclosure, or foreclosure of a
1354 program loan.

1355 (23) To develop and administer the Florida Homeownership
1356 Assistance Program. In developing and administering the program,
1357 the corporation may:

1358 (a)1. Make subordinated loans to eligible borrowers for
1359 down payments or closing costs related to the purchase of the
1360 borrower's primary residence.

1361 2. Make permanent loans to eligible borrowers related to
1362 the purchase of the borrower's primary residence.

1363 3. Make subordinated loans to nonprofit sponsors or
1364 developers of housing for purchase of property, for
1365 construction, or for financing of housing to be offered for sale
1366 to eligible borrowers as a primary residence at an affordable
1367 price.

1368 (b) Establish a loan loss insurance reserve to supplement
1369 existing sources of mortgage insurance with appropriated funds.

1370 (c) Geographically and demographically target the
1371 utilization of loans.

1372 (d) Defer repayment of loans for the term of the first
1373 mortgage.

1374 (e) Establish flexible terms for loans with an interest
1375 rate not to exceed 3 percent per annum and which are
1376 nonamortizing for the term of the first mortgage.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1377 (f) Require repayment of loans upon sale, transfer,
1378 refinancing, or rental of secured property, unless otherwise
1379 approved by the corporation.

1380 (g) Accelerate a loan for monetary default, for failure to
1381 provide the benefits of the loans to eligible borrowers, or for
1382 violation of any other restriction placed upon the loan.

1383 (h) Adopt rules for the program and exercise the powers
1384 authorized in this subsection.

1385 (40) To establish subsidiary business entities
1386 ~~corporations~~ for the purpose of taking title to and managing and
1387 disposing of property acquired by the corporation. Such
1388 subsidiary business entities ~~corporations~~ shall be public
1389 business entities ~~corporations~~ wholly owned by the corporation;
1390 shall be entitled to own, mortgage, and sell property on the
1391 same basis as the corporation; and shall be deemed business
1392 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the
1393 state, within the meaning of s. 768.28, on the same basis as the
1394 corporation. Any subsidiary business entity created by the
1395 corporation shall be subject to chapters 119, 120, and 286 to
1396 the same extent as the corporation. The subsidiary business
1397 entities shall have authority to make rules necessary to conduct
1398 business and to carry out the purposes of this subsection.

1399 (44) To adopt rules whereby the corporation may intervene,
1400 negotiate terms, or undertake other actions which the
1401 corporation deems necessary to further program goals or avoid
1402 default of a program loan. Such rules must consider fiscal
1403 program goals and the preservation or advancement of affordable
1404 housing for the state.

1405 (45) To establish by rule requirements for periodic
1406 reporting of data, including, but not limited to, financial
1407 data, housing market data, detailed economic and physical

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

occupancy on multifamily projects, and demographic data on all housing financed through corporation programs and for participation in a housing locator system.

(46) In order to administer funds appropriated for disaster recovery and reconstruction following a declaration of emergency pursuant to s. 252.36, to create programs to repair, rehabilitate, and construct multifamily and single family dwellings. To administer this subsection, the corporation may adopt emergency rules pursuant to s. 120.54. The Legislature finds that emergency rules adopted pursuant to this subsection meet the health, safety, and welfare requirement of s. 120.54(4). The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state that sustain housing damage due to the occurrence of a disaster, as defined in s. 252.34(1). Emergency rules adopted under this subsection are exempt from s. 120.54(4)(a) and (c).

Section 22. Subsections (1), (3), (5), and (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.--There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very-low-income housing throughout the state. That need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

beginning of each 3-year period. However, at least 10 percent of the program funds distributed during a 3-year period must be allocated to each of the following categories of counties, as determined by using the population statistics published in the most recent edition of the Florida Statistical Abstract:

(a) Counties that have a population of 825,000 or more.
~~more than 500,000 people;~~

(b) Counties that have a population of more than ~~between~~ 100,000 but less than 825,000. ~~and 500,000 people; and~~

(c) Counties that have a population of 100,000 or less.

Any increase in funding required to reach the 10-percent minimum shall be taken from the county category that has the largest allocation. The corporation shall adopt rules which establish an equitable process for distributing any portion of the 10 percent of program funds allocated to the county categories specified in this subsection which remains unallocated at the end of a 3-year period. Counties that have a population of 100,000 or less shall be given preference under these rules.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1470 percent minimum shall be taken from the tenant group that has
1471 the largest reservation. The reservation of funds within each
1472 notice of fund availability to the tenant group in paragraph (c)
1473 may not be less than 5 percent of the funds available at that
1474 time. The tenant groups are:

1475 (a) Commercial fishing workers and farmworkers;

1476 (b) Families;

1477 (c) Persons who are homeless; and

1478 (d) Elderly persons. Ten percent of the amount reserved
1479 for the elderly shall be reserved to provide loans to sponsors
1480 of housing for the elderly for the purpose of making building
1481 preservation, health, or sanitation repairs or improvements
1482 which are required by federal, state, or local regulation or
1483 code, or lifesafety or security-related repairs or improvements
1484 to such housing. Such a loan may not exceed \$750,000 per housing
1485 community for the elderly. In order to receive the loan, the
1486 sponsor of the housing community must make a commitment to match
1487 at least 5 ~~15~~ percent of the loan amount to pay the cost of such
1488 repair or improvement. The corporation shall establish the rate
1489 of interest on the loan, which may not exceed 3 percent, and the
1490 term of the loan, which may not exceed 15 years; however, if the
1491 lien of the corporation's encumbrance is subordinate to the lien
1492 of another mortgagee, then the term may be made coterminous with
1493 the longest term of the superior lien. The term of the loan
1494 shall be established on the basis of a credit analysis of the
1495 applicant. The corporation shall establish, by rule, the
1496 procedure and criteria for receiving, evaluating, and
1497 competitively ranking all applications for loans under this
1498 paragraph. A loan application must include evidence of the first
1499 mortgagee's having reviewed and approved the sponsor's intent to
1500 apply for a loan. A nonprofit organization or sponsor may not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(5) The amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas which have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines, and for projects which reserve units for extremely low income persons. In no event shall the mortgage provided under this program combined with any other mortgage in a superior position exceed total project cost.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(a) The corporation shall establish two interest rates in accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

(b) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline and shall provide notice of the temporary reservations of funds established in subsection (3).

(c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1532 1. Tenant income and demographic targeting objectives of
1533 the corporation.

1534 2. Targeting objectives of the corporation which will
1535 ensure an equitable distribution of loans between rural and
1536 urban areas.

1537 3. Sponsor's agreement to reserve the units for persons or
1538 families who have incomes below 50 percent of the state or local
1539 median income, whichever is higher, for a time period to exceed
1540 the minimum required by federal law or the provisions of this
1541 part.

1542 4. Sponsor's agreement to reserve more than:

1543 a. Twenty percent of the units in the project for persons
1544 or families who have incomes that do not exceed 50 percent of
1545 the state or local median income, whichever is higher; or

1546 b. Forty percent of the units in the project for persons
1547 or families who have incomes that do not exceed 60 percent of
1548 the state or local median income, whichever is higher, without
1549 requiring a greater amount of the loans as provided in this
1550 section.

1551 5. Provision for tenant counseling.

1552 6. Sponsor's agreement to accept rental assistance
1553 certificates or vouchers as payment for rent; however, when
1554 certificates or vouchers are accepted as payment for rent on
1555 units set aside pursuant to subsection (2), the benefit must be
1556 divided between the corporation and the sponsor, as provided by
1557 corporation rule. for persons or persons with incomes under 50
1558 percent of the state or local median income, whichever is
1559 higher, these units shall only be considered to satisfy the
1560 sponsor's agreement to serve persons or persons at or above 50
1561 percent of state or local median income.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving the extremely low income persons shall be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

(d) The corporation may reject any and all applications.

(e) The corporation may approve and reject applications for the purpose of achieving geographic targeting.

(f) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1593 participation in the program. The actual loan amount shall be
1594 determined pursuant to rule adopted pursuant to s.
1595 420.507(22) (h) ~~(f)~~.

1596 (g) The loan term shall be for a period of not more than
1597 15 years; however, if both a program loan and federal low-income
1598 housing tax credits are to be used to assist a project, the
1599 corporation may set the loan term for a period commensurate with
1600 the investment requirements associated with the tax credit
1601 syndication. The term of the loan may also exceed 15 years if
1602 necessary to conform to requirements of the Federal National
1603 Mortgage Association. The corporation may renegotiate and extend
1604 the loan in order to extend the availability of housing for the
1605 targeted population. The term of a loan may not extend beyond
1606 the period for which the sponsor agrees to provide the housing
1607 set-aside required by subsection (2).

1608 (h) The loan shall be subject to sale, transfer, or
1609 refinancing. The sale, transfer, or refinancing of the loan
1610 shall be consistent with fiscal program goals and the
1611 preservation or advancement of affordable housing for the state.
1612 ~~However, all requirements and conditions of the loan shall~~
1613 ~~remain following sale, transfer, or refinancing.~~

1614 (i) The discrimination provisions of s. 420.516 shall
1615 apply to all loans.

1616 (j) The corporation may require units dedicated for the
1617 elderly.

1618 (k) Rent controls shall not be allowed on any project
1619 except as required in conjunction with the issuance of tax-
1620 exempt bonds or federal low-income housing tax credits, and
1621 except when sponsor has committed to set aside units for
1622 extremely-low-income persons, in which case rents shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1623 restricted at the level applicable for federal low-income tax
1624 credits.

1625 (l) The proceeds of all loans shall be used for new
1626 construction or substantial rehabilitation which creates
1627 affordable, safe, and sanitary housing units.

1628 (m) Sponsors shall annually certify the adjusted gross
1629 income of all persons or families qualified under subsection (2)
1630 at the time of initial occupancy, who are residing in a project
1631 funded by this program. All persons or families qualified under
1632 subsection (2) may continue to qualify under subsection (2) in a
1633 project funded by this program if the adjusted gross income of
1634 those persons or families at the time of annual recertification
1635 meets the requirements established in s. 142(d)(3)(B) of the
1636 Internal Revenue Code of 1986, as amended. If the annual
1637 recertification of persons or families qualifying under
1638 subsection (2) results in noncompliance with income occupancy
1639 requirements, the next available unit must be rented to a person
1640 or family qualifying under subsection (2) in order to ensure
1641 continuing compliance of the project. The corporation may waive
1642 the annual recertification if 100 percent of the units are set
1643 aside as affordable.

1644 (n) Upon submission and approval of a marketing plan which
1645 demonstrates a good faith effort of a sponsor to rent a unit or
1646 units to persons or families reserved under subsection (3) and
1647 qualified under subsection (2), the sponsor may rent such unit
1648 or units to any person or family qualified under subsection (2)
1649 notwithstanding the reservation.

1650 (o) Sponsors may participate in federal mortgage insurance
1651 programs and must abide by the requirements of those programs.
1652 If a conflict occurs between the requirements of federal
1653 mortgage insurance programs and the requirements of this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

section, the requirements of federal mortgage insurance programs shall take precedence.

Section 23. Section 420.5088, Florida Statutes, is amended to read:

420.5088 Florida Homeownership Assistance Program.--There is created the Florida Homeownership Assistance Program for the purpose of assisting low-income and moderate-income persons in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the purchaser. Loans shall be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who have incomes that do not exceed 120 ~~80~~ percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans shall be made available for the term of the first mortgage.

(c) Loans may not exceed ~~are limited to~~ the lesser of 35 ~~25~~ percent of the purchase price of the home or the amount necessary to enable the purchaser to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given to ~~community development corporations as defined in s. 290.033~~ and to community-based organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans shall be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 65 ~~50~~ percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.
 2. The direct benefits of the assistance to the persons who will reside in the proposed housing.
 3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.
 4. The economic feasibility of the proposal.
 5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.
 6. The use of the least amount of program loan funds compared to overall project cost.
 7. The provision of homeownership counseling.
 8. The applicant's agreement to exceed the requirements of paragraph (e).
 9. The commitment of first mortgage financing for the balance of the construction loan and for the permanent loans to the purchasers of the housing.
 10. The applicant's ability to proceed with construction.
 11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.
 12. The extent to which the proposal will further the purposes of this program.
- (i) The corporation may reject any and all applications.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state at least 60 days prior to the anticipated availability of funds.

~~(4) During the first 9 months of fund availability:~~

~~(a) Sixty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

~~(b) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

~~(c) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

~~If the application of these percentages would cause the reservation of program funds under paragraph (a) to be less than \$1 million, the reservation for paragraph (a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph (b) and, if necessary, paragraph (c).~~

~~(4)(5)~~ There is authorized to be established by the corporation with a qualified public depository meeting the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under the provisions of the Florida Homeownership Assistance Program shall be deposited in the fund and shall not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund shall not be required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

(5)~~(6)~~ No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

Section 24. Section 420.5095, Florida Statutes, is created to read:

420.5095 Community Workforce Housing Innovation Program.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1805 (1) The Community Workforce Housing Innovation Program is
1806 created for the purpose of providing regulatory incentives and
1807 state and local funds to promote local public-private
1808 partnerships and leverage government and private resources to
1809 provide affordable rental and home ownership community workforce
1810 housing for essential services personnel with medium incomes in
1811 high-cost and high-growth counties in this state.

1812 (2) Subject to the availability of funds appropriated by
1813 the Legislature to fund the Community Workforce Housing
1814 Innovation Program, the corporation shall have the authority to
1815 provide Community Workforce Housing Innovation Program loans,
1816 which may be forgivable, to an applicant for construction or
1817 rehabilitation of rental or home ownership workforce housing in
1818 targeted high-cost and high-growth counties, areas of critical
1819 state concern, or areas designated as an area of critical state
1820 concern for at least 20 consecutive years prior to removal of
1821 the designation. The corporation shall establish a funding
1822 process and selection criteria by rule or request for proposals
1823 to distribute annually appropriated funds under this section.
1824 Funding may be used with other corporation and private-sector
1825 resources.

1826 (3) The corporation shall provide incentives for local
1827 governments in these counties to use local affordable housing
1828 funds, such as those from the State Housing Initiatives
1829 Partnership Program to assist in meeting the affordable housing
1830 needs of persons eligible under this program.

1831 (4) The Community Workforce Housing Innovation Program
1832 projects shall target:

1833 (a) "High-cost counties," defined as those counties in
1834 which the median sales price of a single-family home using the
1835 most recent county level statistics is above the state median

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1836 sales price of a single-family home, areas of critical state
1837 concern designated under s. 380.05, Florida Statutes, for which
1838 the Legislature has declared its intent to provide affordable
1839 housing, and areas designated as an area of critical state
1840 concern for at least 20 consecutive years prior to removal of
1841 the designation. The corporation shall develop the list of high-
1842 cost counties on an annual basis.

1843 (b) "High-growth counties," defined as those counties that
1844 demonstrate significantly high rates of growth in K - 12 public
1845 school students and a substantial number of open teaching
1846 positions currently and projected for the next school year. To
1847 qualify under these criteria of high-growth and need to fill
1848 public school teaching positions, a county's school
1849 district must have been in the top 10 school districts in the
1850 state for the fastest student population growth as a percentage
1851 rate of increase for the previous five years, as defined by the
1852 Department of Education. Counties whose school districts have
1853 the greatest number of teaching position vacancies shall be
1854 prioritized.

1855 (c) The corporation shall seek to achieve a 70 percent
1856 high-cost, 30 percent high-growth ratio in its annual funding of
1857 projects.

1858 (d) Public-private partnerships, defined to include
1859 substantial involvement of at least one county, municipality, or
1860 public sector entity, such as school districts, special
1861 districts, or other units of local government in which the
1862 project is to be located, and at least one private not-for-
1863 profit or for-profit project partner. Partnerships are
1864 encouraged to include one or more private sector business or
1865 charitable entities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1866 (e) Workforce housing, defined as housing affordable to
1867 natural persons or families whose total annual household income
1868 does not exceed 150 percent of the area median income, adjusted
1869 for household size, in prioritized areas included in this
1870 subsection, or a higher area median income, adjusted for
1871 household size, in areas of critical state concern or in areas
1872 designated as an area of critical state concern for at least 20
1873 consecutive years prior to removal of the designation.

1874 (f) Essential services personnel in need of affordable
1875 housing who are employed in areas in which they are considered
1876 essential services personnel, including but not limited to
1877 teachers and educators, police and fire personnel, skilled
1878 construction trades personnel and health care personnel, and in
1879 other job categories in which the personnel are defined as
1880 essential services personnel, as locally defined by each county
1881 and eligible municipality within its local housing assistance
1882 plan pursuant to 420.9075.

1883 (g) Innovative projects that include new construction or
1884 rehabilitation of existing housing, mixed-income housing, or
1885 commercial and housing mixed-use elements.

1886 (5) The Community Workforce Housing Innovation Program
1887 shall supplement and not supplant the existing affordable
1888 housing programs funded under chapter 420, Florida Statutes.

1889 (6) On an annual basis, the corporation shall review the
1890 success of the Community Workforce Housing Innovation Program to
1891 ascertain whether the program is meeting the housing needs of
1892 high-cost and high-growth counties. The corporation shall submit
1893 any recommendations for strengthening the program to the
1894 Governor, the Speaker of the House of Representatives, and the
1895 President of the Senate within two months after the end of its
1896 fiscal year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1897 (7) The corporation shall review ways to improve public
1898 and private sector incentives and barriers to affordable and
1899 community workforce housing and make any recommendations
1900 necessary to improve these incentives in a report to the
1901 Governor, the Speaker of the House of Representatives, and the
1902 President of the Senate within two months after the end of its
1903 fiscal year. The corporation may request the assistance of the
1904 Department of Community Affairs or the Shimberg Center for
1905 Affordable Housing.

1906 (8)(a) Projects approved or funded by the Community
1907 Workforce Housing Innovation Program as Community Workforce
1908 Housing Innovation Program projects shall be eligible for the
1909 following workforce housing incentives to promote the financial
1910 viability, successful development, and ongoing maintenance of
1911 these housing developments:

1912 1. The processing of approvals of development orders or
1913 development permits, as defined in s. 163.3164(7) and (8),
1914 Florida Statutes, for affordable housing projects shall be
1915 expedited to a greater degree than other projects.

1916 2. Impact fees shall be reduced by 50 percent or may be
1917 waived entirely by the local governments, or applicants shall be
1918 provided with an alternative method of fee payment by the local
1919 government in which the proposed project is located.

1920 3. Increased density levels of up to 16 units or higher
1921 density per acre shall be allowed, except in coastal high-hazard
1922 areas, if approved by the local government, for community
1923 workforce housing.

1924 4. The infrastructure capacity in the local comprehensive
1925 plan for affordable housing shall be reserved for these
1926 communities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1927 5. Additional affordable residential units in residential
1928 zoning districts shall be allowed.

1929 6. Open space and setback requirements for affordable
1930 housing shall be reduced by 50 percent.

1931 7. Zero-lot-line configurations shall be allowed.

1932 8. Traffic concurrency requirements shall be modified or
1933 reduced by up to 25 percent.

1934 9. Local transportation infrastructure funding shall be
1935 considered eligible for prioritization from metropolitan
1936 planning organizations.

1937 (b) The regulatory incentives for approved Community
1938 Workforce Housing Innovation Program projects shall be
1939 considered acceptable by the respective local government
1940 maintaining jurisdiction over the site of the project, if:

1941 1. The applicant receives a letter of support from the
1942 local government for the project application submitted to the
1943 corporation; or

1944 2. . Within 60 days after receipt of the applicant's plan
1945 by the local government, a vote of "no objection" regarding the
1946 project is taken by that body.

1947
1948 During the 60 day period, the local government and project
1949 applicant may agree to modify the project incentives and size of
1950 the development with approval from the corporation and still be
1951 eligible for project funding. However, if that local government
1952 entity votes not to accept the Community Workforce Housing
1953 Innovation Program project in its county, the corporation shall
1954 remove the application from the project approval list.

1955 (9) All eligible applications shall:

1956 (a) Set aside at least 80 percent of the units for
1957 workforce housing;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

1958 (b) Set aside at least 50 percent of the units as
1959 prioritized for eligible persons who are employed as essential
1960 services personnel.

1961 (c) For rental projects, rents for all workforce housing
1962 serving those with incomes up to 120 percent of area median
1963 income shall be restricted at the appropriate income level using
1964 the restricted rents for the federal low-income housing tax
1965 credit program; and for workforce housing units up to 150
1966 percent of area median income, rents shall be restricted to
1967 those established by the corporation, not to exceed 40 percent
1968 of the maximum household income adjusted to unit size;

1969 (d) For home ownership, limit the sales price of a
1970 detached, townhome or condominium unit to not more than the
1971 median sales price for that type of unit in that county and
1972 require that all eligible purchasers of home ownership units
1973 occupy the home as their primary residence;

1974 (e) Demonstrate that the program applicant consists of a
1975 public-private partnership of at least one local government or
1976 special district public entity and one private not-for-profit or
1977 for-profit partner;

1978 (f) Demonstrate how the applicant will use the regulatory
1979 incentives outlined in subsection (8) and include, if available,
1980 any letters of support for the incentives referenced in (8)(b)
1981 1. from the local jurisdiction in which the proposed project is
1982 located;

1983 (g) Demonstrate that the applicant possesses title to or
1984 site control of land and evidences availability of required
1985 infrastructure.

1986 (h) Provide any research or facts available supporting the
1987 demand and need for rental or home ownership workforce housing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

for qualified workforce residents in the county in which the project is proposed;

(i) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must only be evidenced by a letter of commitment at the time of application;

(j) Demonstrate accessibility to commercial businesses, services, and employment opportunities needed to serve the needs of the residents or include a viable plan to provide transportation access to those commercial businesses, services, and jobs;

(k) Demonstrate a marketing and sales plan to ensure that residents fit the income requirements and workforce employment demand for essential services, as well as alternative strategies to sell or lease units to other qualified individuals if essential services personnel are not immediately available or qualified for the units;

(l) Provide a development cost pro forma for the project;

(m) Demonstrate the applicant's affordable housing development and management experience; and

(n) Demonstrate the long-term affordability of the rental or homeownership units.

(10)(a) The corporation shall establish a review committee and shall establish a scoring system for evaluation and competitive ranking of applications submitted to the program. The ranking shall ensure an opportunity for a greater number of high-cost, high-growth counties to receive project funding.

(b) The corporation shall award loans with interest rates set at 1%, which may be forgivable if the project continues to meet the rental or ownership criteria outlined in s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

420.5095(4). The corporation shall develop rules and guidelines to set the terms of forgivability.

(11) The corporation may use a maximum of two percent of the annual appropriation per state fiscal year for administration and compliance monitoring.

(12) The corporation shall develop and implement within the Community Workforce Housing Innovation Program a down payment assistance program .

(13)(a) The corporation shall develop recommendations for increasing the development of innovative affordable home ownership projects serving very low, low, and moderate income residents in Florida, which may including expansion of support for non-profit home builders, such as Habitat for Humanity and other charitable housing organizations, Public Housing Authorities, and for profit housing developers. Recommendations shall assess the value of public-private partnerships, increased local and state funding for non-profit housing organizations, and the possible conversion of existing affordable multifamily rental apartments to affordable home ownership units for projects in high-cost counties and counties with areas designated as areas of critical state concern. Recommendations shall examine how to guarantee long term affordability for home ownership. The corporation may request the assistance of the Affordable Housing Study Commission in these efforts.

Section 25. Subsection (2) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.--
The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(2)(a) To be eligible to receive funds under the program, a county or eligible municipality must:

1. Submit to the corporation its local housing assistance plan describing the local housing assistance strategies established pursuant to s. 420.9075;

2. Within 12 months after adopting the local housing assistance plan, amend the plan to incorporate the local housing incentive strategies defined in s. 420.9071(16) and described in s. 420.9076; and

3. Within 24 months after adopting the amended local housing assistance plan to incorporate the local housing incentive strategies, amend its land development regulations or establish local policies and procedures, as necessary, to implement the local housing incentive strategies adopted by the local governing body. A county or an eligible municipality that has adopted a housing incentive strategy pursuant to s. 420.9076 before the effective date of this act shall review the status of implementation of the plan according to its adopted schedule for implementation and report its findings in the annual report required by s. 420.9075(10)~~(9)~~. If as a result of the review, a county or an eligible municipality determines that the implementation is complete and in accordance with its schedule, no further action is necessary. If a county or an eligible municipality determines that implementation according to its schedule is not complete, it must amend its land development regulations or establish local policies and procedures, as necessary, to implement the housing incentive plan within 12 months after the effective date of this act, or if extenuating

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

circumstances prevent implementation within 12 months, pursuant to s. 420.9075(13)~~(12)~~, enter into an extension agreement with the corporation.

(b) A county or an eligible municipality seeking approval to receive its share of the local housing distribution must adopt an ordinance containing the following provisions:

1. Creation of a local housing assistance trust fund as described in s. 420.9075(6)~~(5)~~.

2. Adoption by resolution of a local housing assistance plan as defined in s. 420.9071(14) to be implemented through a local housing partnership as defined in s. 420.9071(18).

3. Designation of the responsibility for the administration of the local housing assistance plan. Such ordinance may also provide for the contracting of all or part of the administrative or other functions of the program to a third person or entity.

4. Creation of the affordable housing advisory committee as provided in s. 420.9076.

The ordinance must not take effect until at least 30 days after the date of formal adoption. Ordinances in effect prior to the effective date of amendments to this section shall be amended as needed to conform to new provisions.

Section 26. Subsection (3) is added to section 420.9075, Florida Statutes, and paragraphs (a) and (c) of subsection (4) of the section are amended to read:

420.9075 Local housing assistance plans; partnerships.--

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including but not limited to teachers and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

educators, police and fire personnel, health care personnel,
skilled building trades personnel and other job categories.

(b) Each county and each eligible municipality is
encouraged to develop a strategy within its local housing
assistance plan that emphasizes the recruitment and retention of
essential service personnel and persons skilled in the building
trades. The local government is encouraged to involve public and
private sector employers. Compliance with the eligibility
criteria established under this strategy shall be verified the
county or eligible municipality.

(4) The following criteria apply to awards made to
eligible sponsors or eligible persons for the purpose of
providing eligible housing:

(a) At least 65 percent of the funds made available in
each county and eligible municipality from the local housing
distribution must be reserved for home ownership for eligible
persons, with an annual goal of at least one-third of those
funds going to home ownership for very-low-income persons.

If both an award under the local housing assistance plan and
federal low-income housing tax credits are used to assist a
project and there is a conflict between the criteria prescribed
in this subsection and the requirements of s. 42 of the Internal
Revenue Code of 1986, as amended, the county or eligible
municipality may resolve the conflict by giving precedence to
the requirements of s. 42 of the Internal Revenue Code of 1986,
as amended, in lieu of following the criteria prescribed in this
subsection with the exception of paragraphs (a) and (d) of this
subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

(4) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons.

(b) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.

(c) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs.

(d)1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons.

2. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons. This subparagraph does not apply to a county or an eligible municipality that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Legislature for which the Legislature has declared its intent to provide affordable housing. The exemption created by this act expires on July 1, 2008.

(e) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(f) Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the local housing assistance trust fund must be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan unless reserved for eligible persons for 15 years or the term of the assistance, whichever period is longer. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

(g) Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan.

(h) The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or her or his designee must be made affordable.

(i) The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2201 (j) The benefit of assistance provided through the State
2202 Housing Initiatives Partnership Program must accrue to eligible
2203 persons occupying eligible housing. This provision shall not be
2204 construed to prohibit use of the local housing distribution
2205 funds for a mixed income rental development.

2206 (k) Funds from the local housing distribution not used to
2207 meet the criteria established in paragraph (a) or paragraph (b)
2208 or not used for the administration of a local housing assistance
2209 plan must be used for housing production and finance activities,
2210 including, but not limited to, financing the purchase of
2211 existing units, providing rental housing, and providing home
2212 ownership training to prospective home buyers and owners of
2213 homes assisted through the local housing assistance plan.
2214 Notwithstanding the provisions of paragraphs (a) and (b),
2215 program income as defined in s. 420.9071(24) may also be used to
2216 fund activities described in this paragraph.

2217
2218 If both an award under the local housing assistance plan and
2219 federal low-income housing tax credits are used to assist a
2220 project and there is a conflict between the criteria prescribed
2221 in this subsection and the requirements of s. 42 of the Internal
2222 Revenue Code of 1986, as amended, the county or eligible
2223 municipality may resolve the conflict by giving precedence to
2224 the requirements of s. 42 of the Internal Revenue Code of 1986,
2225 as amended, in lieu of following the criteria prescribed in this
2226 subsection with the exception of paragraphs (a) and (d) of this
2227 subsection.

2228 (c) The sales price or value of new or existing eligible
2229 housing may not exceed 90 percent of the average area purchase
2230 price in the statistical area in which the eligible housing is
2231 located. Such average area purchase price may be that calculated

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

Section 27. Subsection (6) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.--

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies specified as defined in paragraphs (4)(a)-(j) s. 420.9071(16).

Section 28. Subsection (2) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.--

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9078 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9)(~~8~~), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation \$200,000 per state fiscal year. When such funding is appropriated, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 29. Paragraph (c) of subsection (1) and paragraph (e) of subsection (2) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.--

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(q) and 220.183 is \$10 \$12 million annually for projects that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) and \$3 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.--

~~(e)1. For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first \$10 million in available annual tax credits, and 70 percent of any available annual tax credits in excess of \$10 million, for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very low income households as defined in s. 420.9071(19) and (28). If any such reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low income or very low income households.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2293 2. ~~For the first 6 months of the fiscal year, the office~~
2294 ~~shall reserve 20 percent of the first \$10 million in available~~
2295 ~~annual tax credits, and 30 percent of any available annual tax~~
2296 ~~credits in excess of \$10 million, for donations made to eligible~~
2297 ~~sponsors for projects other than those that provide~~
2298 ~~homeownership opportunities for low income or very low income~~
2299 ~~households as defined in s. 420.9071(19) and (28). If any~~
2300 ~~reserved annual tax credits remain after the first 6 months of~~
2301 ~~the fiscal year, the office may approve the balance of these~~
2302 ~~available credits for donations made to eligible sponsors for~~
2303 ~~projects that provide homeownership opportunities for low income~~
2304 ~~or very low income households.~~

2305 1.3. If, during the first 10 business days of the state
2306 fiscal year, eligible tax credit applications for projects that
2307 provide homeownership opportunities for low-income or very-low-
2308 income persons as defined in s. 420.9071(19) and (28) are
2309 received for less than the available annual tax credits
2310 available for those projects reserved under subparagraph 1., the
2311 office shall grant tax credits for those applications and shall
2312 grant remaining tax credits on a first-come, first-served basis
2313 for any subsequent eligible applications received before the end
2314 of the ~~first 6 months of the~~ state fiscal year. If, during the
2315 first 10 business days of the state fiscal year, eligible tax
2316 credit applications for projects that provide homeownership
2317 opportunities for low-income or very-low-income persons as
2318 defined in s. 420.9071(19) and (28) are received for more than
2319 the available annual tax credits available for those projects
2320 reserved under subparagraph 1., the office shall grant the tax
2321 credits for those the applications as follows:

2322 a. If tax credit applications submitted for approved
2323 projects of an eligible sponsor do not exceed \$200,000 in total,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

the credits shall be granted in full if the tax credit applications are approved, ~~subject to subparagraph 1.~~

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits under ~~subparagraph 1.~~, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

~~c. If, after the first 6 months of the fiscal year, additional credits become available under subparagraph 2., the office shall grant the tax credits by first granting to those who received a pro rata reduction up to the full amount of their request and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first come, first served basis.~~

~~2.4.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for less than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the ~~first 6 months of the state fiscal year.~~ If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities low-income or very-low-income persons as defined in s. 420.9071(19) and (28) are received for more than the ~~available~~ annual tax credits available for those projects ~~reserved under subparagraph 2.~~, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2355 office shall grant the tax credits for those ~~the~~ applications on
2356 a pro rata basis. ~~If, after the first 6 months of the fiscal~~
2357 ~~year, additional credits become available under subparagraph 1.,~~
2358 ~~the office shall grant the tax credits by first granting to~~
2359 ~~those who received a pro rata reduction up to the full amount of~~
2360 ~~their request and, if there are remaining credits, granting~~
2361 ~~credits to those who applied on or after the 11th business day~~
2362 ~~of the state fiscal year on a first come, first served basis.~~

2363 Section 30. Paragraph (b) of subsection (9) of section
2364 1001.42, Florida Statutes, is amended to read:

2365 1001.42 Powers and duties of district school board.--The
2366 district school board, acting as a board, shall exercise all
2367 powers and perform all duties listed below:

2368 (9) SCHOOL PLANT.--Approve plans for locating, planning,
2369 constructing, sanitating, insuring, maintaining, protecting, and
2370 condemning school property as prescribed in chapter 1013 and as
2371 follows:

2372 (b) Sites, buildings, and equipment.--

2373 1. Select and purchase school sites, playgrounds, and
2374 recreational areas located at centers at which schools are to be
2375 constructed, of adequate size to meet the needs of projected
2376 students to be accommodated.

2377 2. Approve the proposed purchase of any site, playground,
2378 or recreational area for which district funds are to be used.

2379 3. Expand existing sites.

2380 4. Rent buildings when necessary.

2381 5. Enter into leases or lease-purchase arrangements, in
2382 accordance with the requirements and conditions provided in s.
2383 1013.15(2), with private individuals or corporations for the
2384 rental of necessary grounds and educational facilities for
2385 school purposes or of educational facilities to be erected for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2386 school purposes. Current or other funds authorized by law may be
2387 used to make payments under a lease-purchase agreement.

2388 Notwithstanding any other statutes, if the rental is to be paid
2389 from funds received from ad valorem taxation and the agreement
2390 is for a period greater than 12 months, an approving referendum
2391 must be held. The provisions of such contracts, including
2392 building plans, shall be subject to approval by the Department
2393 of Education, and no such contract shall be entered into without
2394 such approval. As used in this section, "educational facilities"
2395 means the buildings and equipment that are built, installed, or
2396 established to serve educational purposes and that may lawfully
2397 be used. The State Board of Education may adopt such rules as
2398 are necessary to implement these provisions.

2399 6. Provide for the proper supervision of construction.

2400 7. Make or contract for additions, alterations, and
2401 repairs on buildings and other school properties.

2402 8. Ensure that all plans and specifications for buildings
2403 provide adequately for the safety and well-being of students, as
2404 well as for economy of construction.

2405 9. Provide affordable housing for teachers and other
2406 instructional personnel independently or in conjunction with
2407 other agencies as described in s. 1001.43(5).

2408 Section 31. Subsection (6) of section 1013.01, Florida
2409 Statutes, is amended to read:

2410 1013.01 Definitions.--The following terms shall be defined
2411 as follows for the purpose of this chapter:

2412 (6) "Educational facilities" means the buildings and
2413 equipment, structures, and special educational use areas that
2414 are built, installed, or established to serve primarily the
2415 educational purposes and secondarily the social and recreational
2416 purposes of the community and which may lawfully be used as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

authorized by the Florida Statutes and approved by boards.
Affordable and workforce housing for teacher and school
personnel also qualifies as educational facilities if approved
by the board.

Section 32. Subsection (5) is added to section 1013.15,
Florida Statutes, to read:

1013.15 Lease, rental, and lease-purchase of educational
facilities and sites.--

(5) A board may rent or lease existing buildings, land or
space within existing buildings, originally constructed or used
for purposes other than education, for conversion to use as
affordable and workforce housing, as defined in s. 420.0004 and
420.5095, for school and instructional personnel.

Section 33. The sum of \$20 million is appropriated from
the State Housing Trust Fund to the Florida Housing Finance
Corporation for the 2006-2007 fiscal year to provide funds to
teachers eligible for affordable housing pursuant to s.
420.5088, Florida Statutes, and to assist in teacher retention
and recruitment as a response to the state's teacher shortage.

Section 34. The sum of \$32 million is appropriated from
the Local Government Housing Trust Fund to the Florida Housing
Finance Corporation for the 2006-2007 fiscal year to assist in
production of housing units for extremely low income persons.

Section 35. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to affordable housing; creating s.
125.379, F.S.; providing for disposition of county

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

property for affordable housing; amending s. 163.31771, F.S.; conforming cross-references; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for employee housing assistance; amending s. 191.006, F.S.; authorizing an independent special fire control district to provide housing or housing assistance for its employed personnel; amending s. 193.017, F.S.; authorizing the Florida Housing Finance Corporation and the Department of Revenue to annually set the cap rate used for assessing just valuation of affordable housing properties; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; creating s. 196.1980, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, and very low incomes; amending s. 201.15, F.S.; removing a cap on certain funds distributed to the State Housing Trust Fund; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2479 granting tax credits under the program; conforming cross-
2480 references; amending s. 253.034, F.S.; providing for the
2481 disposition of state lands for affordable housing;
2482 amending s. 295.16, F.S.; expanding the disabled veteran
2483 exemption from certain license and permit fees; amending
2484 s. 380.06, F.S.; providing a greater substantial deviation
2485 threshold for the provision of affordable housing in a
2486 development of regional impact; conforming cross-
2487 references; amending s. 380.0651, F.S.; providing a
2488 statewide guidelines and standards bonus for the provision
2489 of affordable housing; amending s. 420.0004, F.S.;
2490 defining the term "extremely low income persons";
2491 conforming cross-references; repealing s. 420.37, F.S.,
2492 relating to additional powers of the Florida Housing
2493 Finance Corporation; amending s. 420.503, F.S.; revising
2494 the definition of the term "farmworker" under the Florida
2495 Housing Finance Corporation Act; providing rulemaking
2496 authority; amending s. 420.5061, F.S.; conforming a cross-
2497 reference; amending s. 420.507, F.S.; revising and
2498 expanding the powers of the Florida Housing Finance
2499 Corporation; providing certain emergency rulemaking
2500 authority; amending s. 420.5087, F.S.; increasing the
2501 population criteria for the State Apartment Incentive Loan
2502 Program; revising criteria for loans; conforming cross-
2503 references; amending s. 420.5088, F.S.; expanding the
2504 scope of the Florida Homeownership Assistance Program;
2505 revising loan requirements; deleting a provision reserving
2506 program funds for certain borrowers; creating s. 420.5095,
2507 F.S.; creating the Community Workforce Housing Innovation
2508 Program; providing the Florida Housing Finance Corporation
2509 with certain powers and responsibilities relating to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

2510 program; requiring the program to target certain entities;
2511 requiring the program to supplement existing affordable
2512 housing programs; providing incentives for program
2513 applicants; amending s. 420.9072, F.S.; conforming cross-
2514 references; amending s. 420.9075, F.S.; providing a
2515 percentage of funds for homeownership for very-low-income
2516 individuals; providing components to be included in the
2517 local housing assistance plan; amending s. 420.9076, F.S.;
2518 revising a cross-reference; amending s. 420.9079, F.S.;
2519 revising the maximum appropriation the Florida Housing
2520 Finance Corporation may request each state fiscal year;
2521 conforming a cross-reference; amending s. 1001.42, F.S.;
2522 authorizing district school boards to provide affordable
2523 housing for certain teachers and other instructional
2524 personnel; authorizing the Florida Housing Finance
2525 Corporation to adopt certain rules; providing
2526 appropriations; providing effective dates.
2527

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1367 : Contracting Exemptions

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1375 : Manatee County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Chris Lyon (Lobbyist) - Proponent
Duette Volunteer Fire and Rescue
125 S Gadsden Street
Tallahassee FL 32301
Phone: 850-222-5702

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

dispose of firefighting equipment and property, real and personal, that the board may from time to time deem necessary or needful to prevent and extinguish fires within the district.

Section 8. Taxes; non-ad valorem assessments; impact fees; user charges; bond issuance.--

(1) The district shall hold all powers, functions, and duties set forth in this act and chapters 189, 191, and 197, Florida Statutes, as amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, and use of tax deeds and tax certificates as appropriate for non-ad valorem assessments and contractual agreements. The district may be financed by any method established in this act or chapter 189, chapter 191, or chapter 197, Florida Statutes, as amended from time to time.

(2)(a) The district shall be authorized to levy non-ad valorem assessments. The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapter 189, chapter 191, or chapter 197, Florida Statutes, as amended from time to time. Upon compliance with all applicable provisions of ss. 191.009, 197.3631, and 197.3632, Florida Statutes, the district shall be authorized to levy non-ad valorem assessments against all assessable real property located within the district. Proposed non-ad valorem assessment increases set by the board may not exceed the average annual growth rate in Florida personal income over the previous 5 years. Any increase that exceeds the average annual growth rate in Florida personal income over the previous 5 years must be approved by referendum of the electors of the district.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(b) The district is authorized to levy initial non-ad valorem assessments up to the following maximum amounts:

1. Vacant lots of 5 acres or less, \$20.00.
2. Vacant acreage over 5 acres, \$5.00 per acre, with a maximum per vacant parcel amount of \$1,000.00.
3. Vacant commercial and industrial parcels of 5 acres or less, \$20.00.
4. Vacant commercial and industrial parcels over 5 acres, \$5.00 per acre, with a maximum per vacant parcel amount of \$1,000.00.
5. A single family residential parcel up to 1,000 square feet, \$150.00, plus \$0.10 per square foot for every foot over 1,000 square feet.
6. A two family residential parcel, \$150.00 per unit.
7. A multi-family residential parcel, \$150.00 per unit.
8. Condominiums, \$150.00 per unit.
9. Miscellaneous dwelling units, \$150.00 per unit.
10. Mobile homes, \$150.00 per unit.
11. Commercial and industrial parcels up to 1,000 square feet, \$250.00, plus \$0.20 per square foot for every foot over 1,000 square feet.

(3) Impact fees are hereby authorized. The impact fees collected by the district pursuant to this section shall be kept as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide fire protection and emergency medical service to new construction. "New facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radio telemetry equipment. The fees shall

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82 not be used for the acquisition, purchase, or construction of
83 facilities that must be obtained in any event, regardless of
84 growth within the district. The board of commissioners shall
85 maintain adequate records to ensure that impact fees are
86 expended only for permissible new facilities. The first-time
87 levy of impact fees by the district must be approved by
88 referendum of the electors of the district. The referendum on
89 the first-time levy of an impact fee shall include a notice of
90 the future impact fee rate increases permitted by this charter
91 without a referendum.

92 Section 9. Five-year plan.--The district shall adopt a 5-
93 year plan to identify the facilities, equipment, personnel, and
94 revenue needed by the district during that 5-year period. The
95 plan shall be updated in accordance with section 189.415,
96 Florida Statutes, and shall satisfy the requirement for a public
97 facilities report required by section 189.415(2), Florida
98 Statutes.

99 Section 10. Boundaries and mergers.--

100 (1) The boundaries of the district may be modified,
101 extended, or enlarged upon approval or ratification by the
102 Legislature.

103 (2) The merger of the district with all, or portions of,
104 other independent special districts or dependent fire control
105 districts is effective only upon ratification by the
106 Legislature. A district may not, solely by reason of a merger
107 with another governmental entity, increase ad valorem taxes on
108 property within the original limits of the district beyond the
109 maximum established by the district's enabling legislation,
110 unless approved by the electors of the district by referendum.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

111 Section 11. Amendment of charter.--This charter may be
112 amended only by special act of the Legislature.

113 Section 12. Merger or dissolution.--Merger or dissolution
114 of the district shall occur as permitted by sections 189.4042
115 and 189.4045, Florida Statutes, as amended from time to time.

116 Section 13. Severability.--Should any provision of this
117 act be held to be unconstitutional, inoperative, or void, such
118 holding or invalidity shall not affect the remaining portions of
119 this act.

120 Section 2. Referendum.--On or before December 30, 2006,
121 the Board of County Commissioners of Manatee County shall call
122 and the County Supervisor of Elections shall conduct a
123 referendum of the qualified electors of the district on the
124 question of whether the district shall be created by special act
125 of the Legislature and authorized to levy non-ad valorem
126 assessments, which shall not be increased by more than the
127 average annual growth rate in Florida personal income over the
128 previous 5 years without a referendum. "Qualified elector"
129 means a person who resides within the proposed boundaries of the
130 district and is qualified to vote in a general election in
131 Manatee County.

132 Section 3. This act shall take effect only upon its
133 approval by a majority vote of those qualified electors of the
134 district voting in a referendum election to be held by the
135 Manatee County Supervisor of Elections and to be held on or
136 before December 30, 2006, in accordance with the provisions of
137 law relating to elections currently in force in the district,
138 except that this section and section 2 shall take effect upon
139 becoming a law.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

141 ===== T I T L E A M E N D M E N T =====
142 Remove line 17 and insert:
143 circumstances; providing for amendment of the charter by
144 special act of the Legislature; providing requirements for
145 merger or dissolution; providing severability; requiring a
146 referendum; providing an effective date.

000000

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1399 : North Naples Fire Control and Rescue District, Collier County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Laura Jacobs (Lobbyist) - Proponent
North Naples Fire Control & Rescue District
712 S Oregon Avenue
Tampa FL 33606
Phone: 813-495-0575

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Local Government
2 Representative Davis offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Section 3 of Article III of section 3 of chapter 99-
8 450, Laws of Florida, is amended to read:

9 ARTICLE III

10 Boundaries of the District

11 Section 3. Section 171.093, Florida Statutes, applies to
12 annexations by a municipality within the boundaries of the
13 district. In the event that property in the district is annexed
14 by the City of Naples between January 1 and July 1 of any year,
15 the property shall be regarded as removed from the North Naples
16 Fire Control and Rescue District as of January 1 of that year
17 for the purpose of the levy of general ad valorem taxes by the
18 district. If annexation occurs after July 1, the property shall
19 be assessed by the district for ad valorem taxes for that year.
20 On and after the effective date of annexation, the district
21 shall be relieved of providing fire service to the annexed area.
22 The city and the district may reach an agreement to determine

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

~~what portion, if any, of the existing indebtedness or property of the district shall be assumed by the municipality of which the annexed territory will become a part, the fair value of such indebtedness or property, and the manner of transfer and financing. Nothing herein shall relieve the property annexed from the payment of general obligation debt service incurred by the district before annexation.~~

Section 2. Section 1 of Article IV of section 3 of chapter 99-450, Laws of Florida, is amended to read:

ARTICLE IV

Powers of the District

Section 1. The district shall have the authority to establish, equip, operate, and maintain a fire department and rescue squad within the district and may buy, lease, sell, exchange, or otherwise acquire and dispose of firefighting and rescue equipment and other property, real, personal, or mixed, that it may from time to time deem necessary to prevent and extinguish fires or provide rescue services. This shall include, but is not limited to, the authority to hire and fire necessary firefighters and other personnel; to provide water, water supply, water stations, and other necessary buildings; to accept gifts or donations of equipment or money for the use of the district; and to do all things necessary to provide adequate water supply, fire prevention, and proper fire protection for the district. Recognizing that the dramatically increasing housing costs in Collier County may have a detrimental impact on the ability to hire and retain personnel needed for the provision of fire protection services to district residents, the district shall also have the authority to provide housing or housing assistance for its employed personnel, with use of such

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 funds being deemed to be in the public interest. In addition,
55 the board shall have the authority to extend its services
56 outside the district when provided in cooperation with another
57 governmental entity.

58 Section 3. This act shall take effect upon becoming a law.
59
60

61 ===== T I T L E A M E N D M E N T =====

62 Remove the entire title and insert:

63 A bill to be entitled

64 An act relating to the North Naples Fire Control and Rescue
65 District, Collier County; amending chapter 99-450, Laws of
66 Florida; Laws of Florida; providing for the applicability of
67 section 171.093, Florida Statutes, in the event of annexation by
68 a municipality within the boundaries of the district;
69 authorizing the district to provide housing or housing
70 assistance; providing an effective date.
71

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1445 : West Villages Improvement District, Sarasota County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Wendy Bitner (Lobbyist) - Proponent
Fourth Quarter Properties
215 S Monroe Street
Tallahassee FL 32301
Phone: 850-577-1776

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1445

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Local Government Council
Representative(s) Reagan offered the following:

Amendment (with directory amendment)

Remove line(s) 300-848 and insert:

Englewood Water District service area, the district shall, at the request of the Board of the Englewood Water District or its designee, subject to an interlocal agreement or other appropriate agreement with the Englewood Water District (neither party's consent to said developer's agreement shall be arbitrarily or unreasonably withheld), donate and turn over operation of all or any portion of said water system within the Englewood Water District service area to the Englewood Water District.

(m) 1. To finance, plan (as to that portion of the district located within the City of North Port jurisdictional boundaries, consistent with City of North Port Comprehensive Plan and implementing ordinances, studies, and plans; as to that portion of the district located within the unincorporated area, consistent with the Sarasota County Comprehensive Plan and implementing ordinances, studies, and plans; and as to that

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 portion of the district located within the Englewood Water
23 District service area, consistent with the Englewood Water
24 District's adopted studies and plans), design, acquire,
25 construct, install, operate, set, and charge by resolution
26 access, user, or connection fees and charges, equip, upgrade,
27 replace, extend, renovate, and maintain sewer systems, plus
28 appurtenances, for the collection, disposal, and reuse of
29 effluent, waste, residue, or other byproducts of such system,
30 prevent pollution, and improve water quality; provided that the
31 exercise of such construction, operation, and fee establishment
32 powers by the district shall:

33 a. As to that portion of the district located within the
34 City of North Port jurisdictional boundaries, require the prior
35 approval of the City of North Port Commission or its designee;

36 b. As to that portion of the district located within the
37 unincorporated area, require the prior approval of the Board of
38 County Commissioners of Sarasota County or its designee; and

39 c. As to that portion of the district located within the
40 Englewood Water District service area, require the prior
41 approval of the Board of the Englewood Water District or its
42 designee.

43 2. As to that portion of the district located within the
44 City of North Port jurisdictional boundaries, and further that
45 the district shall agree, at the request of the City of North
46 Port Commission or its designee, subject to a utility
47 developer's agreement with the City of North Port (neither
48 party's consent to said developer's agreement shall be
49 unreasonably withheld), to donate and turn over operation of all
50 or any portion of said wastewater system within the City of
51 North Port jurisdictional boundaries to the City of North Port.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 3. As to that portion of the district located within the
53 unincorporated area and outside of the Englewood Water District
54 service area, the district shall agree, at the request of the
55 Board of County Commissioners of Sarasota County or its
56 designee, subject to a utility developer's agreement with
57 Sarasota County (neither party's consent to said developer's
58 agreement shall be unreasonably withheld), to donate and turn
59 over operation of all or any portion of said wastewater system
60 within the unincorporated area to Sarasota County.

61 4. As to that portion of the district located within the
62 Englewood Water District service area, the district shall, at
63 the request of the Board of the Englewood Water District or its
64 designee, subject to an interlocal agreement or other
65 appropriate agreement with the Englewood Water District (neither
66 party's consent to said developer's agreement shall be
67 arbitrarily or unreasonably withheld), donate and turn over
68 operation of all or any portion of said wastewater system within
69 the Englewood Water District service area to the Englewood Water
70 District.

71 (n) To finance, plan (if not inconsistent with other
72 responsible agencies or authorities), design, acquire,
73 construct, install, operate, equip, upgrade, replace, extend,
74 renovate, and maintain improvements and facilities for and take
75 measures to control mosquitoes or other insects and arthropods
76 of public health importance.

77 (o) To finance, plan (as to that portion of the district
78 located within the City of North Port jurisdictional boundaries,
79 consistent with City of North Port Comprehensive Plan and
80 implementing ordinances, studies, and plans; and, as to that
81 portion of the district located within the unincorporated area,

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 consistent with the Sarasota County Comprehensive Plan and
83 implementing ordinances, studies, and plans), design, acquire,
84 construct, install, operate, equip, upgrade, replace, extend,
85 renovate, and maintain lands, works, systems, landscaping, and
86 facilities for preservation areas, conservation areas,
87 environmental areas, mitigation areas, and wildlife habitat or
88 sanctuaries, including the maintenance of any plant or animal
89 species, and any related interest in real or personal property.
90 The district shall allow the City of North Port access to all
91 such improvements within the City of North Port jurisdictional
92 boundaries and shall allow access by the public when
93 appropriate. The district shall allow Sarasota County access to
94 all such improvements within the unincorporated area of the
95 district and shall allow access by the public when appropriate.

96 (p) To finance, plan (as to that portion of the district
97 located within the City of North Port jurisdictional boundaries,
98 consistent with City of North Port Comprehensive Plan and
99 implementing ordinances, studies, and plans; and, as to that
100 portion of the district located within the unincorporated area,
101 consistent with the Sarasota County Comprehensive Plan and
102 implementing ordinances, studies, and plans), design, acquire,
103 construct, install, operate, equip, upgrade, replace, extend,
104 renovate, and maintain additional systems and facilities for
105 school buildings and related structures which may be donated to
106 a public school district, subject to a developer's agreement
107 (neither party's consent to said developer's agreement shall be
108 unreasonably withheld), for use in the educational system;
109 provided that donation of any land and the exercise of such
110 construction powers by the district shall require the prior
111 approval of the School Board of Sarasota County and either:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

112 1. As to that portion of the district located within the
113 City of North Port jurisdictional boundaries, the City of North
114 Port City Commission or its designee; or

115 2. As to that portion of the district located within the
116 unincorporated area, the Board of County Commissioners of
117 Sarasota County or its designee.

118 (q) To levy non-ad valorem assessments; prescribe, fix,
119 establish, and collect rates, fees, rentals, fares, or other
120 charges, and to revise the same from time to time, for property,
121 facilities, and services made available, furnished, or to be
122 furnished by the district; and to recover the cost of making or
123 authorizing the connection to any district facility or system or
124 installing works or improvements on or within district property
125 interests. However, no rates, fares, charges, or fees shall be
126 established until after a public hearing of the board at the
127 district at which all affected persons shall be given an
128 opportunity to be heard.

129 (r) To provide for the discontinuance of service and
130 reasonable penalties, including reasonable attorney's fees,
131 against any user or property for any such rates, fees, rentals,
132 fares, or other charges that become delinquent and require
133 collection.

134 (s) To enter into agreements with any person, firm,
135 entity, partnership, or corporation (public, private, or
136 governmental) for the furnishing by such person, firm, entity,
137 partnership, or corporation of any facilities and services of
138 the type provided for, authorized, or necessarily implied as
139 being authorized in this act.

140 (t) To borrow money and issue negotiable or other bonds of
141 said district as hereinafter provided; and to borrow money, from

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

142 time to time, and issue negotiable or other notes of said
143 district therefore, bearing interest at not exceeding the
144 maximum interest allowable by law, in anticipation of the
145 collection of levies, fees, penalties, charges, fares, and
146 assessments or revenues of said district, and to pledge or
147 hypothecate such non-ad valorem assessments, levies,
148 assessments, and revenues to secure such bonds, notes, or
149 obligations, and to sell, discount, negotiate, and dispose of
150 the same.

151 (u) To provide for safety enhancements, including, but not
152 limited to, security, guardhouses, fences, and gates, and
153 electronic intrusion detection systems; except that the district
154 shall not be authorized or empowered to exercise any police
155 power, but may contract with the appropriate local general
156 purpose government agencies for an increased level of such
157 service. Notwithstanding anything to the contrary, nothing
158 herein shall allow the district to limit the level of law
159 enforcement provided by federal, state, or local governmental
160 agencies.

161 (v) To provide, at the request of local general purpose
162 governments consistent with the plans of the local general
163 purpose government, systems and facilities for fire prevention
164 and control and emergency medical services, including the
165 construction or purchase of fire stations, water mains and
166 plugs, fire trucks, and other vehicles and equipment consistent
167 with any adopted local general purpose government ordinances,
168 rules, or regulations. ~~and, further, that~~ The district shall
169 agree:

170 1. As to that portion of the district located within the
171 City of North Port jurisdictional boundaries, at the request of

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

172 ~~the local general purpose government~~, subject to a developer's
173 agreement with the City of North Port (neither party's consent
174 to said developer's agreement shall be unreasonably withheld),
175 to donate and turn over operation of all or any portion of said
176 facilities within the City of North Port jurisdictional
177 boundaries to the City of North Port; and

178 2. As to that portion of the district located within the
179 unincorporated area, subject to a developer's agreement with
180 Sarasota County (neither party's consent to said developer's
181 agreement shall be unreasonably withheld), to donate and turn
182 over operation of all or any portion of said facilities within
183 the unincorporated area to Sarasota County ~~local general purpose~~
184 ~~government.~~

185 (w) To submit for and obtain permits, plus make and enter
186 into contracts and agreements as are necessary or incidental to
187 the performance of the duties imposed and the execution of the
188 powers granted under this act, and to employ such consulting and
189 other engineers, superintendents, managers, administrators,
190 construction and financial experts, attorneys, and such
191 employees and agents as may, in the judgment of the district, be
192 necessary, and to fix their compensation.

193 (x) To require any individual or entity desiring to
194 construct any structure in, over, under, upon, or occupying real
195 ~~district~~ property interests or rights-of-way owned by the
196 district ~~right-of-way~~ or connecting to or utilizing the works of
197 the district to first obtain written authorization from the
198 district and, as appropriate, either the City of North Port as
199 to that portion of the district located within the City of North
200 Port jurisdictional boundaries or Sarasota County as to that
201 portion of the district located within the unincorporated area

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

202 ~~comply with all City of North Port and district plans, rules,~~
203 ~~regulations, policies, and specifications,~~ provided that said
204 written authorization shall be issued upon a demonstration that
205 the applicant has complied ~~compliance~~ with such Sarasota County,
206 ~~applicable~~ City of North Port, or ~~and~~ district plans, rules,
207 regulations, policies, and specifications as may be applicable.
208 The board of supervisors shall be permitted the discretion to
209 deny or revoke any written authorization or application for same
210 if they find that the matter for which the authorization is
211 sought or granted does not comply with such Sarasota County, the
212 City of North Port, or ~~and~~ district plans, rules, regulations,
213 ~~or policies,~~ and specifications as may be applicable. All fees
214 and costs, including construction, review, inspection, copying,
215 engineering, legal, and administrative expenses of the district,
216 shall be paid by the applicant seeking the authorization. Any
217 such district written authorization shall not be deemed or
218 construed as being an alternative to or in place of the
219 applicant's obligation to also obtain all other governmental
220 building and construction permits and approvals. With regard to
221 that portion of the district located within the City of North
222 Port jurisdictional boundaries, any conflict between City of
223 North Port and district plans, rules, regulations, policies, and
224 specifications shall be resolved in favor of the City of North
225 Port. With regard to that portion of the district located within
226 the unincorporated area, any conflict between Sarasota County
227 and district plans, rules, regulations, policies, and
228 specifications shall be resolved in favor of Sarasota County.

229 (y) To include in a plan of improvements, the engineer's
230 report, or the authorizing and implementing documents under
231 chapter 170, Florida Statutes, which shall include, but are not

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

232 limited to, all applicable resolutions, assessment maps, and/or
233 assessment rolls (the "chapter 170 authorizing documents"), all
234 or one or more of the various powers and functions, including
235 individual parts or components thereof, of the district or any
236 combination of same and to construct and finance said individual
237 or combination of such powers and functions, including
238 individual parts or components thereof. It is the intent of this
239 section that a plan of improvements, the engineer's report, or
240 chapter 170 authorizing documents may provide for a single
241 benefit to the land authorized by the laws pertaining to the
242 district or one or more of all of said benefits or combination
243 thereof as long as there are benefits accruing to the land.

244 (z) To provide in a plan of improvements, the engineer's
245 report, or chapter 170 authorizing documents that in assessing
246 the benefits and damages to be incurred by lands of the district
247 from the implementation, provision, or construction of a plan of
248 improvements or improvements or services pursuant to chapter 170
249 authorizing documents, the varying types of existing or proposed
250 land uses of the land within the unit or affected by such
251 construction or implementation, as the case may be, may be
252 considered and be entitled to so assess the benefits and
253 damages. The district may levy non-ad valorem assessments based
254 upon the benefits assessed in such manner, taking into account
255 the varying existing or proposed land uses of the land affected
256 by such construction as shall provide for the equitable
257 apportionment of such assessments. Such assessments may be
258 levied on the basis of lots, units, acreage, parcels, equivalent
259 connection, or uses or as otherwise set forth in the engineer's
260 report or in the chapter 170 authorizing documents.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(aa) To establish and create such departments, committees, boards, or other agencies, including a public relations committee, as from time to time the board of supervisors may deem necessary or desirable in the performance of the acts or other things necessary to the exercise of the powers provided in this act, and to delegate to such departments, committees, boards, or other agencies such administrative duties and other powers as the board of supervisors may deem necessary and to exercise all other powers necessary convenient or proper in connection with any of the powers or duties of said district stated in this act by and through the board of supervisors.

Notwithstanding anything contained herein:

1. As to that portion of the district located within the City of North Port jurisdictional boundaries, no such departments, committees, boards, or other agencies shall have the power or authority to supersede any powers or authorities of the City of North Port; and

2. As to that portion of the district located within the unincorporated area, no such departments, committees, boards, or other agencies shall have the power or authority to supersede any powers or authorities of Sarasota County.

(bb) Notwithstanding any authority contained within this section:

1. As to that portion of the district located within the City of North Port jurisdictional boundaries, the development, operation, or maintenance of any district facilities or services shall comply with the adopted comprehensive plan, unified land development code, zoning code, and any other city codes and ordinances of the City of North Port; and

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

290 2. As to that portion of the district located within the
291 unincorporated area, the development, operation, or maintenance
292 of any district facilities or services shall comply with the
293 adopted comprehensive plan, land development regulations, zoning
294 code, and any other codes and ordinances of Sarasota County.

295 (cc) To establish, or otherwise make available, a plan for
296 retirement, disability, dental, death, hospitalization, and
297 other appropriate benefits for employees of the district.

298 (dd) To invest surplus funds of the district consistent
299 with the Investment of Local Government Surplus Funds Act, part
300 IV, chapter 218, Florida Statutes.

301 (ee) As to that portion of the district located within the
302 City of North Port jurisdictional boundaries, to submit to the
303 City of North Port the plan of improvement for major government
304 infrastructure capital elements that may eventually be dedicated
305 or donated to the City of North Port so that the city can rely
306 on and incorporate said plan of improvement into the city's
307 Capital Improvement Plan; and, as to that portion of the
308 district located within the unincorporated area, to submit to
309 Sarasota County the plan of improvement for major government
310 infrastructure capital elements that may eventually be dedicated
311 or donated to Sarasota County so that the county can rely on and
312 incorporate said plan of improvement into the county's Capital
313 Improvement Plan.

314 (ff) To apply for, obtain, and utilize any grants from
315 other entities consistent with the powers of the district;
316 provided, however, that:

317 1. As to that portion of the district located within the
318 City of North Port jurisdictional boundaries, the district shall
319 coordinate with and obtain timely authorization from the City of

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

North Port Commission or its designee prior to the submittal of any grant application; and

2. As to that portion of the district located within the unincorporated area, the district shall coordinate with and obtain timely authorization from the Board of County Commissioners of Sarasota County or its designee prior to the submittal of any grant application.

(gg) Following methodology consistent with Sarasota ~~the~~ county's concurrency management regulations, and notwithstanding any authority contained within this section, the district shall not construct any improvements within that portion of the district located within the City of North Port jurisdictional boundaries, pursuant to any municipal development order, where that development would cause the level of service on any concurrency regulated facility in unincorporated Sarasota County to drop below the level of service adopted as of the effective date of this act, or subsequently reduced level of service, in the Sarasota County Comprehensive Plan pursuant to chapter 163, Florida Statutes, without paying its fair share contribution to improving that facility, and Sarasota County shall have the right under section 163.3215, Florida Statutes, to contest any such municipal development order on the basis that it fails to require the district to pay its fair share contribution. The fair share contribution shall include both the contribution to the county from the fair share collected by the City of North Port pursuant to the county's impact fee ordinance and interlocal agreements between Sarasota County and the City of North Port, as well as direct contributions made to the county by the district. Nothing contained herein shall be construed as limiting the obligations of the district or property owners

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

350 therein as set forth in Florida Statutes and applicable rules.
351 Any fair share contribution required to address the impact of
352 development within that portion of the district located in
353 unincorporated Sarasota County shall be governed by the laws and
354 ordinances of Sarasota County.

355 (hh) The district shall have the power to collect fair
356 share contributions from Sarasota County should Sarasota County
357 approve any development order in unincorporated Sarasota County
358 that creates impacts to concurrency regulated facilities within
359 the district, which would cause the level of service on any
360 concurrency regulated facility in the district within the City
361 of North Port jurisdictional boundaries to drop below the level
362 of service adopted by the City of North Port for such facility
363 as of the effective date of this act, or subsequently reduced
364 level of service.

365 (3) To include in a plan of improvements, the engineer's
366 report, chapter 170 authorizing documents, or otherwise provide,
367 for the exercise of the district's powers, services, facilities,
368 and improvements beyond the territorial boundaries of the
369 district, when necessary and appropriate in order to provide a
370 benefit on behalf of lands located within the district and
371 pursuant to an approved plan of improvements or chapter 170
372 authorizing documents. Any such construction must be in
373 accordance with the city's master plans and requirements. Any
374 such construction within unincorporated Sarasota County must be
375 in accordance with the county's comprehensive plan, master
376 plans, and thoroughfare plan. The ~~West Villages Improvement~~
377 district shall cooperate and coordinate its activities with the
378 units of general-purpose local government in which it is
379 located, including the City of North Port and Sarasota County.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

380 Prior to exercising any of the district powers, functions, or
381 duties relative to infrastructure planning, programming, or
382 construction within that portion of the district located in
383 unincorporated Sarasota County, the district shall enter into an
384 interlocal agreement with Sarasota County, which agreement shall
385 specify the process for the district to coordinate its
386 infrastructure planning, programming, and construction
387 activities with Sarasota County and include a means to
388 coordinate infrastructure planning and programming between the
389 parties. Neither the district nor Sarasota County shall
390 arbitrarily or unreasonably withhold or delay its approval and
391 execution of such interlocal agreement. The district is
392 authorized to enter into interlocal agreements with the City of
393 North Port, Sarasota County, the Englewood Water District, or
394 any other units of government. Whenever the district intends to
395 utilize its powers to construct or cause to be constructed
396 infrastructure projects or programs within the district, the
397 district shall provide copies of all plans and infrastructure
398 permit applications to the Sarasota County Planning Director and
399 Development Services Business Center at such time as the
400 district submits such plans or permit applications to the City
401 of North Port or other permitting authority but in any event no
402 less than 30 days before the City of North Port or other
403 permitting authority issues permits for those projects. The
404 district shall allow the county 20 days from submittal to the
405 county to comment on those plans and permit applications, but as
406 to construction or improvements that are not within
407 unincorporated Sarasota County, the county's approval is not
408 required for the district to proceed with the project. Sarasota

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

County shall not unduly interfere with the district's exercise of its powers conferred by this act.

Section 4. Board of supervisors; election, organization, powers, duties, and terms of office.--

(1) There is hereby created a Board of Supervisors of the West Villages Improvement District, which shall be the governing body of said district.

(2) Said board of supervisors shall consist of five persons who, except as herein otherwise provided, shall each hold office for terms of 4 years each and until their successors shall be duly elected and qualified.

(3) The first board of supervisors of the district shall be composed of five persons, two of whom shall hold office for 4 years, one of whom shall hold office for 3 years, one of whom shall hold office for 2 years, and one of whom shall hold office for 1 year, which terms shall terminate in June of their applicable final year. Within 120 days after this act becomes a law, a special meeting of landowners of the West Villages Improvement District shall be held for the purpose of electing the first board of supervisors for the West Villages Improvement District as herein provided. Notice of such special meeting of landowners shall be given by causing publication thereof to be made once a week for 2 consecutive weeks prior to such meeting in the newspaper of general paid circulation in which ~~that~~ the City of North Port publishes notices of city meetings, and prior to the meeting, ~~provision of 2 weeks'~~ weeks advance written notice shall be provided to the City of North Port City Manager, including the agenda and any backup material. Such special meeting of landowners shall be held in a public place in the City of North Port, and the place, date, and hour of holding

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

such meeting and the purpose thereof shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting and a vice chair, secretary, and treasurer. At such meeting, each and every acre, or any fraction thereof, of land in the district shall represent one vote and each owner shall be entitled to one vote in person or by written proxy for every acre of land, or any fraction thereof, owned by such owner in the district. Candidates must be citizens of the United States and shall be nominated prior to commencement of the initial election. The landowners shall first vote for the 2 supervisors who are to hold office for the 2 seats with an initial term of 4 years as herein provided, and the persons receiving the highest and next highest number of votes for such supervisor offices shall be declared and elected as the supervisors for said 2 seats. The landowners shall next vote for the supervisor who is to hold office for that seat with a term of 3 years as provided herein, and the person receiving the highest number of votes for such supervisor shall be declared and elected as such supervisor for said seat. Said landowners shall continue to so vote for each remaining seat until the supervisor who is to hold office for the term of 1 year as herein provided is elected for said seat. The landowners present or voting by proxy at the meeting shall constitute a quorum.

(4) Each year during the month of June, beginning with June of the second year following the first election, a supervisor shall be elected, as hereinafter provided, by the landowners of said district to take the place of the retiring supervisor. All vacancies or expirations on said board shall be filled as provided by this act. All supervisors of the district

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

469 shall be citizens of the United States. Following the initial
470 election of supervisors in order to be eligible for election, a
471 candidate for an office of supervisor shall be required to file
472 a written notice of intention to be a candidate in said office
473 of the district at least 30 calendar days but not earlier than
474 90 calendar days before but not including the day of the annual
475 meeting of the landowners. In case of a vacancy in the office of
476 any supervisor, the remaining supervisors within 90 calendar
477 days of the vacancy shall fill such vacancy until the expiration
478 of that seat's outstanding term when a successor shall be
479 elected by the landowners. If, on or before January 1 of any
480 calendar year, there are 6,000 owners of real property in that
481 portion of the district located within the City of North Port
482 that are registered voters in the City of North Port, at least
483 one supervisor elected at the next regularly scheduled election
484 shall be a resident of and owner of real property in that
485 portion of the district located within the City of North Port.
486 If, on or before January 1 of any calendar year, there are 3,000
487 owners of real property in that portion of the district located
488 within the unincorporated area of Sarasota County that are
489 registered voters of Sarasota County, at least one supervisor
490 elected at the next regularly scheduled election shall be a
491 resident of and owner of real property in that portion of the
492 district located within unincorporated Sarasota County.

493 (5) As soon as practicable after their election and the
494 taking of oaths of office, the board of supervisors of the
495 district shall organize by choosing a chair and vice chair of
496 the board of supervisors and by electing some suitable persons
497 secretary and treasurer, who may or may not be members of the

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

board. The board of supervisors shall adopt a seal which shall be the seal of the district.

(6) Each supervisor shall hold office until his or her successor shall be elected and qualified. Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall not or cannot be held at such time or on such day, then in such event and in all and every such event, the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this act.

(7) The supervisors shall not receive any compensation for their services.

Section 5. Meetings of landowners.--

(1) Each year during the month of June, a meeting of the landowners of the district shall be held, when necessary, for the purpose of electing a supervisor and hearing reports of the board of supervisors and considering any matters upon which the board of supervisors may request the advice and views of the landowners. The board of supervisors shall have the power to call special meetings of the landowners at any time to consider and act upon any matter upon which the board of supervisors may request action, direction, or advice. Notice of all meetings of the landowners shall be given by the board of supervisors by causing publication thereof to be made for 2 consecutive weeks prior to such meeting in the newspaper of general paid circulation in which that the City of North Port publishes notices of city meetings and in a newspaper of general paid circulation in which Sarasota County publishes notices of its board meetings, and prior to the meeting, provision of 2 weeks'

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

528 ~~weeks~~ advance written notice shall be provided to the City of
529 North Port City Manager and the Sarasota County Administrator,
530 or their designees, regarding any matters affecting that portion
531 of the district located within the City of North Port
532 jurisdictional boundaries or the unincorporated area,
533 respectively, including the agenda and any backup material. The
534 meetings of the landowners shall be held in a public place in
535 the City of North Port, and the place, day, and hour of holding
536 such meetings shall be stated in the notice. The landowners when
537 assembled shall organize by electing a chair who shall preside
538 at the meeting. The secretary of the board of supervisors shall
539 be the secretary of such meeting. At all such meetings each and
540 every acre, or any fraction thereof, of land in the district
541 shall represent one vote, and each owner shall be entitled to
542 one vote in person or by written proxy for every acre, or any
543 fraction thereof, of land owned by such owner in the district.
544 The eligible person receiving the highest number of votes for a
545 supervisor position shall be declared and elected as such
546 supervisor. Those landowners present or voting by proxy at the
547 meeting, including the initial meeting, shall constitute a
548 quorum at any meeting of the landowners.

549 (2) Guardians may represent their wards, and personal
550 representatives may represent the estates of deceased persons.
551 Trustees may represent lands by them in trust, and private and
552 municipal corporations may be represented by their officers or
553 duly authorized agents. Guardians, personal representatives,
554 trustees, and corporations may vote by proxy.

555 Section 10. Bonds may be issued, sale and disposition of
556 proceeds; interest; levy to pay bonds; bonds and duties of
557 treasurer.--

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(2) Provided that any and all loans or bonds of the district are non-recourse as to the City of North Port and Sarasota County, the board of supervisors may issue bonds not to exceed 90 percent of the total amount of the non-ad valorem assessments levied under the provisions of section 298.305, Florida Statutes, or equal to the total amount levied under chapter 170, Florida Statutes, bearing interest from date at a rate not to exceed the statutory lawful maximum per annum, payable annually or semiannually, to mature at annual intervals within 40 years commencing after a period of not later than 10 years, to be determined by the board of supervisors, with both principal and interest payable at some convenient place designated by the board of supervisors to be named in said bonds, which bonds shall be signed by the chair of the board of supervisors, attested with the seal of the district and by the signature of the secretary of the board. All of said bonds shall be executed and delivered to the district or its agent, which shall sell the same in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works, services, and improvements in and of the district. A sufficient amount of the non-ad valorem assessment shall be appropriated by the board of supervisors for the purpose of paying the principal, premium, if any, and interest of said bonds, and the same shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds not paid at maturity shall bear interest at a rate of not to exceed the statutory lawful maximum per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment, and said interest shall be appropriated by the board of supervisors out of the penalties and interest collected on

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

delinquent assessments or other available funds of the district.
Provided, however, that it may, in the discretion of said board,
be provided that at any time, after such date as shall be fixed
by the said board, said bonds may be redeemed before maturity at
the option of said board, or their successors in office, by
being made callable prior to maturity at such times and upon
such prices and terms and other conditions as said board shall
determine. If any bond so issued subject to redemption before
maturity shall not be presented when called for redemption, it
shall cease to bear interest from and after the date so fixed
for redemption.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 11 and insert:

Section 1. Sections 2, 3, 4, 5, 11, 12, 17, and 19 and
subsection (2) of section 10 of

000000

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1481 : Homosassa Special Water District, Citrus County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8 Total Nays: 0					

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1583 : Community Redevelopment

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina			X		
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Bob Mckee (Lobbyist) - Proponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301

Vicki Wooldridge (Lobbyist) - Proponent
Florida Redevelopment Association
P. O. Box 346
Palm Beach FL 33480
Phone: 561-312-2237

C. Scott Dudley (Lobbyist) - Proponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32303
Phone: 850-222-9684

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 1583**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government Council
Representative(s) M. Davis offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 163.340, Florida
Statutes, is amended, and subsection (24) is added to that
section, to read:

163.340 Definitions.--The following terms, wherever used
or referred to in this part, have the following meanings:

(2) "Public body" ~~or "taxing authority"~~ means the state or
any county, municipality, authority, special district as defined
in s. 165.031(5), or other public body of the state, except a
school district.

(24) "Taxing authority" means any public body other than a
school district that levies ad valorem millage against the
property within a community redevelopment area.

Section 2. Section 163.346, Florida Statutes, is amended
to read:

163.346 Notice to taxing authorities.--Before the
governing body adopts any resolution or enacts any ordinance
required under s. 163.354, s. 163.355, s. 163.356, s. 163.357,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

or s. 163.387; establishes a study area; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

Section 3. Section 163.354, Florida Statutes, is created to read:

163.354 Development of study area.--Prior to adopting a resolution making a finding of necessity required by s. 163.355, the governing body may adopt a resolution establishing a slum and blight study area.

Section 4. Paragraph (d) of Subsection (2) is created and Subsection (6) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.--

(2)(d) The agency may contract with qualified nonprofits, faith based organizations or other entities to develop and provide affordable and workforce housing in the area, as well as use tax increment dollars to offer incentives for such development. Examples of incentives are: low interest or no interest loans through qualified lenders or the agency itself; revolving loans; façade improvement loans or grants; matching, seed or leverage dollars for loans or grants; and developer subsidies. Other incentives as determined needed by the agency may be provided. For the purposes of this paragraph, "affordable housing" means housing that meets the definition of "affordable" under s. 420.0004(3) and "workforce housing" means housing for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 which the monthly rents or monthly mortgage payments including
55 taxes, insurance, and utilities do not exceed 30 percent of that
56 amount which represents the percentage of the median adjusted
57 gross annual income for the households whose income is 150% of
58 the median income of the area.

59 (6) (a) The governing body shall hold a public hearing on a
60 community redevelopment plan after public notice thereof by
61 publication in a newspaper having a general circulation in the
62 area of operation of the county or municipality. The notice
63 shall describe the time, date, place, and purpose of the
64 hearing, identify generally the community redevelopment area
65 covered by the plan, and outline the general scope of the
66 community redevelopment plan under consideration.

67 (b) For any community redevelopment agency created after
68 October 1, 2006, that was not created pursuant to a delegation
69 of authority under s. 163.410 by a county that has adopted a
70 home rule charter, the following additional procedures are
71 required prior to the governing body's adopting a community
72 redevelopment plan under subsection (7):

73 1. Within 30 days after receipt of any community
74 redevelopment plan recommended by a community redevelopment
75 agency under subsection (5), the county may provide written
76 notice to the governing body of the municipality that the county
77 has competing policy goals and plans for the public funds the
78 county would be required to contribute to the tax increment
79 under the proposed community redevelopment plan.

80 2. If the notice required in subparagraph 1. is timely
81 provided, the board of county commissioners and the governing
82 body of the municipality that created the community
83 redevelopment agency shall schedule and hold a joint hearing
84 chaired by the county chair at which the competing policy goals

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

85 for the public funds shall be discussed. Any such hearing must
86 be held within 90 days after receipt by the county of the
87 recommended community redevelopment plan. Prior to the joint
88 public hearing, the county may propose an alternative
89 redevelopment plan to address the conditions identified in the
90 resolution making a finding of necessity required by s. 163.355.
91 Should such an alternative modified redevelopment plan be
92 proposed by the county, such plan shall be delivered to the
93 governing body of the municipality that created the community
94 redevelopment agency at least 20 days prior to holding the joint
95 meeting.

96 3. If the notice required in subparagraph 1. is timely
97 provided, the municipality may not proceed with the adoption of
98 the plan under subsection (7) until 30 days after the joint
99 hearing unless the board of county commissioners has failed to
100 schedule and attend the joint hearing within the required 90-day
101 period.

102 4. Notwithstanding the timeframes established in
103 subparagraphs 2. and 3., the county and the municipality may at
104 any time voluntarily use the dispute resolution process
105 established in chapter 164 to attempt to resolve any competing
106 policy goals between the county and municipality related to the
107 community redevelopment agency. Nothing in this subparagraph
108 grants the county or the municipality the authority to require
109 the other to participate in the dispute resolution process.

110 Section 5. Subsection (3) of section 163.361, Florida
111 Statutes, is amended to read:

112 163.361 Modification of community redevelopment plans.--

113 (3)(a) In addition to the requirements of s. 163.346, and
114 prior to the adoption of any modification to a community
115 redevelopment plan that expands the boundaries of the community

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

116 redevelopment area or extends the time certain set forth in the
117 redevelopment plan as required by s. 163.362(10), the agency
118 shall report such proposed modification to each taxing authority
119 in writing or by an oral presentation, or both, regarding such
120 proposed modification.

121 (b) For any community redevelopment agency that was not
122 created pursuant to a delegation of authority under s. 163.410
123 by a county that has adopted a home rule charter and that
124 modifies its adopted community redevelopment plan in a manner
125 that expands the boundaries of the redevelopment area, the
126 following additional procedures are required prior to the
127 governing body's adopting a modified community redevelopment
128 plan:

129 1. Within 30 days after receipt of any report of a
130 proposed modification that expands the boundaries of the
131 redevelopment area, the county may provide notice to the
132 governing body of the municipality that the county has competing
133 policy goals and plans for the public funds the county would be
134 required to contribute to the tax increment under the proposed
135 modification to the community redevelopment plan.

136 2. If the notice required in subparagraph 1. is timely
137 provided, the board of county commissioners and the governing
138 body of the municipality that created the community
139 redevelopment agency shall schedule and hold a joint hearing
140 chaired by the county chair at which the competing policy goals
141 for the public funds shall be discussed. Any such hearing shall
142 be held within 90 days after receipt by the county of the
143 recommended modification of the adopted community redevelopment
144 plan. Prior to the joint public hearing, the county may propose
145 an alternative modified community redevelopment plan to address
146 the conditions identified in the resolution making a finding of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

147 necessity required under s. 163.355. Should such an alternative
148 modified redevelopment plan be proposed by the county, such plan
149 shall be delivered to the governing body of the municipality
150 that created the community redevelopment agency at least 20 days
151 prior to holding the joint meeting.

152 3. If the notice required in subparagraph 1. is timely
153 provided, the municipality may not proceed with the adoption of
154 the plan under s. 163.360(7) until 30 days after the joint
155 hearing unless the board of county commissioners has failed to
156 schedule and attend the joint hearing within the required 90-day
157 period.

158 4. Notwithstanding the timeframes established in
159 subparagraphs 2. and 3., the county and the municipality may at
160 any time voluntarily use the dispute resolution process
161 established in chapter 164 to attempt to resolve any competing
162 policy goals between the county and municipality related to the
163 expansion of the boundaries of the community redevelopment
164 agency. Nothing in this subparagraph grants the county or the
165 municipality the authority to require the other to participate
166 in the dispute resolution process.

167 Section 6. Subsection (1), paragraph (a) of subsection
168 (2), and subsection (3) of section 163.387, Florida Statutes,
169 are amended to read:

170 163.387 Redevelopment trust fund.--

171 (1)(a) After approval of a community redevelopment plan,
172 there shall be established for each community redevelopment
173 agency created under s. 163.356 a redevelopment trust fund.
174 Funds allocated to and deposited into this fund shall be used by
175 the agency to finance or refinance any community redevelopment
176 it undertakes pursuant to the approved community redevelopment
177 plan. No community redevelopment agency may receive or spend any

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

increment revenues pursuant to this section unless and until the governing body has, by ordinance, provided for the funding of the redevelopment trust fund for the duration of a community redevelopment plan. Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. ~~(a)~~ The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area as indicated by the preliminary assessment roll; and

2. ~~(b)~~ The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2. paragraphs (a) and (b), but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any community redevelopment agency created after October 1, 2006, that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 19 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, the taxing authority, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice delivered to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, may limit the amount of increment contributed by the taxing authority to the trust fund to the average annual amount the taxing authority was obligated to contribute to the trust fund in the 3 fiscal years immediately

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term "area reinvestment agreement" means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in public infrastructure or services, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the public infrastructure or services, or both, including any applicable debt service. The contribution to the trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both, including any applicable debt service, have been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in s. 163.387(1)(b)1.a. and b.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

270 (2)(a) Except for the purpose of funding the trust fund
271 pursuant to subsection (3), upon the adoption of an ordinance
272 providing for funding of the redevelopment trust fund as
273 provided in this section, each taxing authority shall, by
274 January 1 of each year, appropriate to the trust fund for so
275 long as any indebtedness pledging increment revenues to the
276 payment thereof is outstanding (but not to exceed 30 years) a
277 sum that is no less than the increment as defined and determined
278 in subsection (1) or paragraph (3)(b) accruing to such taxing
279 authority. If the community redevelopment plan is amended or
280 modified pursuant to s. 163.361(1), each such taxing authority
281 shall make the annual appropriation for a period not to exceed
282 30 years after the date the governing body amends the plan.

283
284 However, for any agency created on or after July 1, 2002, each
285 taxing authority shall make the annual appropriation for a
286 period not to exceed 40 years after the fiscal year in which the
287 initial community redevelopment plan is approved or adopted.

288 (3)(a) Notwithstanding the provisions of subsection (2),
289 the obligation of the governing body which established the
290 community redevelopment agency to fund the redevelopment trust
291 fund annually shall continue until all loans, advances, and
292 indebtedness, if any, and interest thereon, of a community
293 redevelopment agency incurred as a result of redevelopment in a
294 community redevelopment area have been paid.

295 (b) Notwithstanding the provisions of subsections (1) and
296 (2), an alternative method of determining the amount and time or
297 times of payment of, and rate of interest upon, tax increments
298 contributed to the trust fund, including formulae and limits
299 different than those specified in subsection (1), may be enacted
300 by interlocal agreement between any of the other taxing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

authorities required to contribute a tax increment to the trust fund and the governing body that created the community redevelopment agency.

Section 7. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.--In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall approve or deny ~~act on~~ any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be deemed approved. Any request by the county for additional documentation or other information shall be made in writing to the municipality. The county shall notify the municipality in writing within 30 days after receiving all the required

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1(for drafter's use only)

332 documentation and other requested information that such
333 information is complete. If the meeting of the county commission
334 at which the request for a delegation of powers or a change in
335 an existing delegation of powers is unable to be held due to
336 events beyond the control of the county, the request shall be
337 acted upon at the next regularly scheduled meeting of the county
338 commission without regard to the 120-day limitation. Should the
339 county not act upon the request at the next regularly scheduled
340 meeting, the request shall be deemed approved. ~~immediately sent~~
341 ~~to the governing body for consideration.~~

342 Section 8. This act shall take effect October 1, 2006.

343
344
345 ===== T I T L E A M E N D M E N T =====

346 Remove the entire title and insert:

347 A bill to be entitled

348 An act relating to community redevelopment; amending s. 163.340,
349 F.S.; defining the term "taxing authority"; amending s. 163.346,
350 F.S.; revising a requirement that a governing body notify taxing
351 authorities before taking certain actions; creating s. 163.354,
352 F.S.; authorizing the adoption of a resolution establishing a
353 slum and blight study area before making a finding of necessity;
354 amending s. 163.360, F.S.; authorizing additional use of tax
355 increment for affordable housing; specifying additional notice,
356 hearing, and dispute resolution procedures for adoption of a
357 community redevelopment plan for certain community redevelopment
358 agencies; amending s. 163.361, F.S.; specifying additional
359 notice, hearing, and dispute resolution procedures for adoption
360 of a modified community redevelopment plan expanding
361 redevelopment area boundaries for certain community
362 redevelopment agencies; amending s. 163.387, F.S.; specifying

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

363 for certain redevelopment agencies certain limitations on
364 amounts of increment contributed to a redevelopment trust fund
365 by certain taxing authorities; authorizing enactment of an
366 interlocal agreement providing for an alternative determination
367 of amounts of, payment schedules for, and interest on increment
368 contributions to a redevelopment trust fund; amending s.
369 163.410, F.S.; providing requirements for actions by certain
370 counties delegating or changing a delegation of powers to a
371 municipality for community redevelopment areas; providing an
372 effective date.

COUNCIL MEETING REPORT

Local Government Council

3/29/2006 1:00:00PM

Location: 404 HOB

HB 1609 : Collection of Delinquent Property Taxes

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson		X			
Mike Davis	X				
Terry Fields		X			
D. Alan Hays	X				
Matthew Meadows		X			
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 5		Total Nays: 3			

Appearances:

Charles Brantley (Lobbyist) - Opponent
Florida Tax Collectors
225 S Adams Street
Tallahassee FL 32301
Phone: 850-222-7206

Sally Heyman - Proponent
Miami-Dade County
111 NW 1st Street
Miami FL

Rhonda Skipper - Opponent
Walton County
49 N 6th Street
DeFuniak Springs FL 32433
Phone: 850-892-8121

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 1609

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government Council
Representative Robaina offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 197.333, Florida Statutes, is
amended to read:

197.333 When taxes due; delinquent.-

(1) All taxes shall be due and payable on November 1 of
each year or as soon thereafter as the certified tax roll is
received by the tax collector. Taxes shall become delinquent on
April 1 following the year in which they are assessed or
immediately after 60 days have expired from the mailing of the
original tax notice, whichever is later. If the delinquency date
for ad valorem taxes is later than April 1 of the year following
the year in which taxes are assessed, all dates or time periods
specified in this chapter relative to the collection of, or
administrative procedures regarding, delinquent taxes shall be
extended a like number of days.

(2) The original tax notice must inform the taxpayer that:

(a) Any delinquent tangible personal property tax, penalty,
and interest may be referred to contract legal counsel for
collection; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 (b) Such contract counsel's compensation and certain other
24 costs, including court costs and the cost of advertising, will
25 be added to the total amount owed.

26 Section 2. Subsections (1) and (3) of section 197.413,
27 Florida Statutes, are amended to read:

28 197.413 Delinquent personal property taxes; warrants;
29 court order for levy and seizure of personal property; seizure;
30 fees of tax collectors.-

31 (1) Prior to May 1 of each year immediately following the
32 year of assessment, the tax collector shall prepare a list of
33 the unpaid personal property taxes containing the names and
34 addresses of the taxpayers and the property subject to the tax
35 as the same appear on the tax roll. Prior to April 30 of the
36 next year,-the tax collector shall prepare warrants against the
37 delinquent taxpayers providing for the levy upon, and seizure
38 of, tangible personal property. The cost of advertising
39 delinquent tax shall be added to the delinquent taxes at the
40 time of advertising. The tax collector is not required to issue
41 warrants if delinquent taxes are less than \$50. However, such
42 taxes shall remain due and payable. A taxpayer may be held
43 personally liable for delinquent taxes owed on tangible personal
44 property that has been sold, removed from the county or
45 otherwise rendered unavailable for seizure in satisfaction of
46 the taxes.

47 (3) The tax collector may employ in-house counsel, and
48 agree upon the counsel's compensation, for conducting such suit
49 or suits and may pay such compensation out of the general office
50 expense fund and include such item in the budget. Alternatively,
51 the tax collector may contract with outside counsel to collect
52 by suit or otherwise all delinquent tangible personal property
53 taxes, penalty, and interest owed. The amount of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 compensation established in the contract shall be added to all
55 accounts referred to the attorney for collection. Such
56 compensation may not exceed 33 percent of the total amount of
57 the taxes, penalties and interest collected.

58 Section 3. This act shall take effect upon becoming a law.
59
60

61 ===== T I T L E A M E N D M E N T =====

62 Remove the entire title and insert:

63 A bill to be entitled

64 An act relating to the duties of a tax collector; amending s.
65 197.333, F.S.; requiring that taxpayers be informed of potential
66 additional costs of allowing personal property taxes to become
67 delinquent; amending s. 197.413, F.S.; providing that a taxpayer
68 is personally liable for unpaid tangible personal property taxes
69 in certain circumstances; expanding the tax collectors'
70 discretionary powers to collect delinquent personal property
71 taxes; allowing the tax collector to employ a private attorney
72 to collect such delinquent tangible personal property taxes and
73 the penalty and interest thereon; providing for such an
74 attorney's compensation; providing that accounts referred to
75 private counsel shall incur a collection fee equal to the amount
76 of the counsel's compensation; providing an effective date.